

**ANTI-BRIBERY POLICY AND OFFICERS' CODE OF CONDUCT**

|                            |                    |
|----------------------------|--------------------|
| Relevant Portfolio Holder  | Roger Hollingworth |
| Portfolio Holder Consulted | No                 |
| Relevant Head of Service   | Yes                |
| Wards Affected             | <b>All wards</b>   |
| Ward Councillor Consulted  | n/a                |
| Non Key Decision           |                    |

**1. SUMMARY OF PROPOSALS**

- 1.1 The Bribery Act 2010 came into force from 1 July 2011. As a result, the Council needs to update its policies and procedures to demonstrate that it is supporting the principles of the Bribery Act and complying with the legislative requirements imposed upon it. To this end this report asks Members to approve a new policy on Bribery and a new Code of Conduct for Officers. These are important documents as if the Council was ever affected by an allegation of bribery it would be a defence to demonstrate that the Council had "adequate procedures" in place to prevent bribery, and these policies would form part of the "adequate procedures".

**2. RECOMMENDATIONS**

- 2.1 The Cabinet is asked to RECOMMEND to the Council:-
1. That the Anti-Bribery Policy attached at Appendix 1 is approved; and
  2. That the Officers' Code of Conduct attached at Appendix 2 is approved and included in the Council's Constitution.

**3. KEY ISSUES**

**Financial Implications**

- 3.1 There are no financial implications arising out of this report.

**Legal Implications**

- 3.2 The Bribery Act 2010 came into force from 1 July 2011. The act makes it an offence for a United Kingdom citizen or resident to pay or receive a bribe, either directly or indirectly. The act applies to transactions that take place in the UK and abroad, and both in the public and private sectors.

3.3 There are four key offences under the Act:

- bribing of another person (Section 1)
- accepting a bribe (Section 2)
- bribing a foreign official (Section 6)
- failing to prevent bribery (Section 7)

Section 7 is a corporate offence but an organisation will have a defence to this offence if it can show that it had in place 'adequate procedures' designed to prevent bribery by or of persons associated with the organisation.

3.4 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 £5000, 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, if found guilty of an offence under section 7 are liable to an unlimited fine.

3.5 If the Council were not to have in place adequate procedures as required under the Bribery Act 2010, it would be more difficult for the Council to defend any prosecution brought against it under the Bribery Act.

### **Service / Operational Implications**

3.6 Members approval is sought of the two documents attached to this report. The Corporate Anti-Bribery Policy at Appendix 1 sets out the Council's policy on bribery issues. Key points for Members to note are as follows:-

- The Council is advocating a zero tolerance approach to bribery and corruption.
- Under the terms of the policy all employees and elected Members are prohibited from soliciting, arranging or accepting bribes intended for the benefit of the Council, or for their personal benefit, or for the benefit of the employee's family, associates or acquaintances. The policy extends to all the Council's business dealings, transactions and decisions.
- The policy applies equally to employees and Members
- Under the new policy all employees and Members are going to have to make sure that they properly declare any gifts or hospitality that they receive. Arrangements for Members to declare gift and hospitality are

## **Cabinet**

**Date 4 January 2012**

already in place under the Code of Conduct for Councilors for Gifts and Hospitality (Part 17 of the Constitution).

- 3.7 In reviewing the requirements of the Bribery Act officers identified that there were a number of elements relating to staffing issues which needed to be brought together under one policy within the Constitution. In view of the need to demonstrate adequate procedures under the Bribery Act it was decided a Code of Conduct for Officers should be introduced. Accordingly officers have drafted an Officers' Code of Conduct which is attached at Appendix 2.
- 3.8 The Officers' Code of Conduct draws together various aspects relating to the conduct of officers. Members may wish to note that the key areas it covers include:-
- The requirement of officers to act with integrity and impartiality
  - Rules around disclosure of information
  - Personal interests of staff
  - Bar on committing any offences under the Bribery Act
  - Requirement to declare gifts and hospitality
  - Interests that need to be recorded on the Employees Register of Interests
- 3.9 In terms of staff processes for registering interests and gifts and hospitality, it is proposed that a central register be set up and administered by the Information Management Team.
- 3.10 As regards raising awareness amongst staff about the Bribery Act, information has already been circulated via an Oracle Email and staff have also received several Fraud Newsletters (by email) from the Corporate Anti-Fraud Team. More work is planned to inform staff of the Anti-Bribery Policy through the Managers Forum and by issuing further reminder on the Orb. The induction process for new staff now includes information about the Bribery Act.
- 3.11 In terms of further work relating to the Bribery Act, a Risk Plan has been developed identifying all areas that need to be considered by the Council, to ensure that policies and procedures are in place to reduce any potential threat against the Council. Officers are continuing to work on the Risk Plan to ensure that all appropriate actions have been identified and completed.

### **Customer / Equalities and Diversity Implications**

- 3.12 There is no direct impact on customers of Bromsgrove District Council, other than to raise awareness of the zero tolerance stance. The Anti-Bribery Policy will be included, once approved, in the Anti-Fraud area of the Council's website. Internally, the information will be included in the

## **Cabinet**

**Date 4 January 2012**

Corporate Anti-Fraud area of the Intranet (Orb). The Policy will be linked to the Corporate Anti-Fraud Strategy, the Whistleblowing (Confidential Reporting) Code and to Employment Terms and Conditions. The Officers Code of Conduct will be included in the Council's Constitution and be available to staff through the Orb.

### **4. RISK MANAGEMENT**

- 4.1 The Risk Plan (referred to at para 3.11 above) will be used to assess the likely level of risk of Bribery.

The main risks associated with not progressing the requirements of the Bribery Act 2010 could include:

- Disbarment from contracts
- Loss of reputation
- Negative publicity for the Council
- Loss of contract specifications/the wrong people doing the jobs under contract

### **5. APPENDICES**

Appendix 1 – Anti-Bribery Policy  
Appendix 2 - Officers' Code of Conduct

### **6. BACKGROUND PAPERS**

Anti Bribery Policy Risk Plan

### **7. KEY**

None

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