

Anti-Bribery Policy

SUMMARY

- 1.1 The Bribery Act 2010 came into force on 1 July 2011. This Act modernised the law on Bribery and created a new corporate offence of “Failure to prevent bribery”. In response to this, the Council put appropriate arrangements in place to ensure compliance with the statutory requirements.
- 1.2 The content of the policy has not been formally reviewed since it was approved by this Committee in December 2011. This report seeks approval for continuation of use of the policy document, as part of corporate policy.

RECOMMENDATION

- 2.1 To approve the updated Anti-Bribery Policy document.

REASONS FOR RECOMMENDATION

- 3.1 The Audit and Accounts Committee is responsible for monitoring council policies on whistleblowing and for counter fraud measures (including anti-money laundering and anti-bribery measures).

SUPPORTING INFORMATION

- 4.1 Bribery is defined as the offer, promise or giving of financial or other advantage to another with the intent of inducing that person to perform improperly, or rewarding that person for the improper performance of a relevant function or activity.
- 4.2 The Bribery Act 2010 made it an offence to offer a bribe, or to invite the payment of a bribe. The Act also introduced two new offences:
 - The bribery of a foreign public official, and
 - The failure of commercial organisations to prevent bribery.

- 4.3 When the Act came into force the Ministry of Justice issued Guidance about procedures which relevant commercial organisations could put into place to prevent persons associated with them from bribing. This guidance was used to produce the Council's original policy and to develop procedures which would help prevent the Council from the corporate offence of failing to prevent bribery. This guidance is still relevant.
- 4.4 The Guidance provided six principles which, when followed, would provide evidence of anti-bribery activities within an organisation. The principles are:-
- Proportionality – are the measures in place proportionate to the size and scope of the organisation
 - Top level commitment – an undertaking from the top levels of the organisation to address the risks of bribery
 - Risk Assessment – an assessment should be made of the organisations exposure to bribery
 - Due Diligence – steps are taken to ensure that anyone who provides services for the Council will do so without resorting to bribery
 - An anti-bribery culture is communicated through the whole organisation
 - Anti-bribery measures are monitored and reviewed at an appropriate frequency.
- 4.5 The review has resulted in some minor amendments to the wording of the document, but the main change has been to remove the procedural details from the document and create a separate “Procedure Guide”. This is consistent with the approach taken on all the policies linked to preventing/ deterring fraud and corruption activities.
- 4.6 The revised policy is attached at Appendix 2. The procedure guide is attached at Appendix 3.
- 4.7 This policy will be reviewed as required, and every 3 years in any event.

OTHER OPTIONS CONSIDERED

- 5.1 N/A

This report has been approved by the following officers:

Legal officer	n/a
Financial officer	n/a
Human Resources officer	n/a
Estates/Property officer	n/a
Service Director(s)	n/a
Other(s)	n/a

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Background papers:	
List of appendices:	Appendix 1 – Implications Appendix 2 - Anti-Bribery Policy Document Appendix 3 – Officer Guide

IMPLICATIONS

Financial and Value for Money

- 1.1 None directly arising

Legal

- 2.1 None directly arising

Personnel

- 3.1 None directly arising

IT

- 4.1 None directly arising

Equalities Impact

- 5.1 The policy covers preventing and dealing with cases of bribery and there is nothing within the policy which could have a differential and/or adverse impact on any individual who has one or more protected characteristic. All cases of bribery will be dealt with in accordance with the policy. Deterrence of fraud activities will be of general benefit to all individuals.

Health and Safety

- 6.1 None directly arising

Environmental Sustainability

- 7.1 None directly arising

Property and Asset Management

- 8.1 None directly arising

Risk Management

- 9.1 Robust processes to deter fraudulent activity will reinforce the integrity of the Council.

Corporate objectives and priorities for change

- 10.1 The functions of the Committee have been established to support delivery of corporate objectives by enhancing scrutiny of various aspects of the Council's controls and governance arrangements.