

DERBY CITY COUNCIL

ANTI-BRIBERY PROCEDURE

December 2012

Executive Summary

Over recent years, there has been an increased public awareness of bribery and uncompetitive activity which has a detrimental effect on the economy. In order to reduce the impact of bribery, the Bribery Act 2010 was enacted.

In order to protect the Council from contravening the legislation and incurring a fine, an Anti-Bribery Policy has been established and approved by the Audit and Accounts Committee.

The aim of this procedure is to give officers, Members and agents/ subsidiaries guidance on what to do and who to contact should they suspect that bribery, or an attempt at bribery, has taken place.

1. Introduction

- 1.1 Derby City Council aims to make sure all of its services are of the highest possible quality; provide value for money, and that it is fully accountable, honest and open in everything it does. As with any large organisation, the size and nature of our services, and in particular the size of some of our contracts, puts us at risk from bribery, whether active bribery (the act of offering or giving a bribe) or passive bribery (the request for or acceptance of a bribe).
- 1.2 The Council is committed to making sure that active bribery does not take place, within its operations, and that all acts of passive bribery are reported to the appropriate authorities for further action.
- 1.2 An important part of this approach is the existence of an Anti-Bribery Procedure, to advise and guide members and staff on the Council's approach. This document provides more detailed guidance on how to deal with bribery.
- 1.3 Before formulating the Policy, a Risk Assessment was carried out to assess the risks faced by the Authority. This document includes the requirement for regular reviews to ensure that it still represents effective measures to reduce exposure to risk in the light of changing circumstances and any changes to either legislation or relevant case law.

2. The procedure

- 2.1 All members, employees and agents/subsidiaries are required to:
 - report promptly all reasonable suspicions¹ of bribery, whether active (the offer or giving of a bribe) or passive (the request for or receipt of a bribe), to the Head of Governance and Assurance
- 2.2 The Head of Governance and Assurance must promptly:
 - evaluate all concerns to determine whether it is appropriate to make a report to the Police
 - if appropriate, ensure that an internal report is completed
- 2.3 Although there is no legal requirement for the Council to have formal procedures for evidencing the identity of those they do business with, staff, members and agents/subsidiaries should be alert to potentially suspicious circumstances. Where there may be doubt and in particular, when forming a new business relationship or considering a significant one-off transaction, the identification procedures in the Council's Anti-Money Laundering Procedures should be followed.
- 2.4 The Council will:

¹ There is no definition of what constitutes reasonable suspicion. There must be genuine reasons or grounds for the suspicion: it is more than speculation or hunch and common sense will be needed

- make all staff, Members and agents/subsidiaries aware of the obligations placed on the Council, and on themselves as individuals, by the anti-bribery legislation
 - give targeted training, with periodic refreshers, to those most likely to encounter bribery
 - Include a review of the need for corporate training in the Annual Governance Statement presented to the Audit and Accounts Committee.
3. Role and responsibilities of members and staff
- 3.1 The Council expects all people and organisations that are in any way associated with it to be honest and fair in their dealings with it and its clients and customers. Members and employees are expected to lead by example in these matters.
- 3.2 The Codes of Conduct for members and employees set out an approach to work that is both honest and fair. Members and employees must act in line with the codes at all times.
- 3.3 Employees are expected to always be aware of the possibility that bribery may exist in the workplace and in their dealings with third parties, and be able to share their concerns with management.
- 3.4 The Council expects its Strategic Directors to deal firmly and quickly with anyone who is responsible for bribery or who fails to report attempted bribery. The Strategic Director of Resources in consultation with the Monitoring Officer may refer matters to the police if he suspects any criminal activity has been carried out.
- 3.5 Strategic Directors must ensure that any investigative process is not misused and, therefore, any abuse, such as raising unfounded malicious allegations against a colleague, will be dealt with as a disciplinary matter.
- 3.6 The Audit and Accounts Committee approves and monitors the Anti-Bribery Policy and Procedure for the Council and ensures that it operates effectively. The Head of Governance and Assurance in consultation with the Chair of the Audit and Accounts Committee will ensure that any corrective actions identified from investigations are brought to the attention of the Committee.
- 3.7 The Council's Confidential Reporting Code is intended to encourage and enable staff to raise serious concerns. Employees reporting concerns in this way are afforded certain rights through legislation (Public Interest Disclosure Act 1998).
- 3.8 The Head of Governance and Assurance will work with Strategic Directors to decide on the type and course of the investigation. This will include referring cases to the police where this is considered necessary by the Monitoring Officer. The Council will prosecute offenders and will carry out its disciplinary procedures where appropriate. Care will be taken to ensure that any internal proceedings do not prejudice any criminal case.