

ANTI-BRIBERY POLICY

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OFFICIAL
Anti-Bribery Policy

DOCUMENT CONTROL

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Role	Name	Approval Date
Head of Internal Audit	Peter Frost	03 January 2023

Approval (Accountable Owner)

Role	Name	Approval Date
Chief Financial (S151) Officer	Louise Aynsley	09 January 2023

Reviewers (Consulted)

Role & Review Responsibilities	Name	Approval Date
Christos Constantinou	Counter-Fraud Manager	04 January 2023

Distribution List - Once authorised (Informed)

Name	Organisation
All County Council Staff & Councillors	County Council

Review Period

Date Policy to be Reviewed	By whom
December 2023	Peter Frost

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1. INTRODUCTION AND SCOPE

1.1 Introduction

- i. The Bribery Act 2010 became law on 01 July 2011 and has been enacted to enable robust action to be taken against such activity. Suffolk County Council is committed to protecting the public purse and the services it provides from being abused. The Council has a zero-tolerance approach towards bribery and promote the prevention, deterrence, and detection of bribery.

1.2 Scope of the Policy

- i. This policy applies to all the Council's activities and all personnel (permanent and temporary employees, agency staff, volunteers, consultants, and members, including independent members).
- ii. For partners, joint ventures, and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.
- iii. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for Suffolk County Council or under its control. All staff are required to avoid activity that breaches this policy.
- iv. We require that all employees and members:
 - read, understand, and comply with this policy.
 - raise concerns as soon as possible if it is believed or suspected that a conflict with the policy has occurred or may occur in the future.
 - act honestly and with integrity at all times and safeguard the Council's resources for which they are responsible.
 - comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Council operates, in respect of the lawful and responsible conduct of activities.
- v. 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.

2 OBJECTIVE OF THIS POLICY

- i. This policy provides a clear and consistent framework to enable Suffolk County Council's employees, members, and associated persons to understand and implement arrangements enabling compliance. The policy details the types of offences within the Bribery Act 2010 and, in conjunction with related policies and key documents, provides guidance to enable employees, members and associated persons should they identify a potential breach.
- ii. This policy is not intended to change the requirements of the Council's Gifts &

Hospitality Policy or Member Code of Conduct. All staff must comply with the Officer Gifts & Hospitality Policy. All members must comply with the Member Code of Conduct.

3 WHAT IS BRIBERY?

- i. 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. The act of bribery is the intention to gain a personal, commercial, regulatory, or contractual advantage.

4 FACILITATION PAYMENTS

- i. Facilitation payments are unofficial payments made to public officials to secure or expedite actions. These are not tolerated and are illegal.

5 POLICY STATEMENT – ANTI-BRIBERY

- i. Bribery is a criminal offence under the Bribery Act 2010. We do not and will not, pay bribes or offer improper inducements to anyone for any purpose, nor do we or will we, accept bribes or improper inducements.
- ii. To use a third party as a conduit to channel bribes to others is a criminal offence. We do not and will not, engage indirectly in, or otherwise encourage, bribery.
- iii. We are committed to the prevention, deterrence and detection of bribery and have zero-tolerance towards it.

6 THE COUNCIL'S COMMITMENT TO ACTION

- i. Suffolk County Council is committed to the prevention, deterrence, and detection of bribery.
- ii. The Council commits to:
 - Making all employees and associated persons aware of their responsibilities to always adhere strictly to this policy.
 - Training all personnel so that they know what the Council expects.
 - 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.
 - 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.

- Provide information to all personnel to report breaches and suspected breaches of this policy.
- Include appropriate clauses in contracts to prevent bribery and deal with the consequences if it occurs.

7 THE BRIBERY ACT 2010 – THE KEY POINTS

- i. There are four key offences under the Act:

7.1 Section 1 - Offence of bribing another person:

- i. 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.

7.2 Section 2 - Being bribed

- i. 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.

7.3 Section 6 - Bribery of foreign public officials

- i. 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.

7.4 Section 7 - Failure of commercial organisation to prevent bribery

- i. 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.

8 IS THE COUNTY COUNCIL A “COMMERCIAL ORGANISATION”?

- i. Suffolk County Council is a commercial organisation for the purposes of the Bribery Act 2010.

9 WHAT ARE “ADEQUATE PROCEDURES”?

- i. 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.
- ii. In determining procedures, there is a need to have regard to the following six principles which are set out in guidance produced by the Department of Justice:

9.1 Proportionate procedures

- i. The Council has procedures in place to prevent bribery by persons associated with it. These are proportionate to the bribery risks faced by the Council and to the nature, scale, and complexity of the Council’s activities. They are also clear, practical, accessible, effectively implemented and enforced.

9.2 Top-level commitment

- i. The top-level management (including the Chief Executive, Directors, The Leader of the Council, and the Chair of the Audit Committee) are committed to preventing bribery by persons associated with it. They foster a culture within the organisation in which bribery is never acceptable.

9.3 Risk Assessment

- i. The nature and extent of the Council's exposure to potential external and internal risks of bribery on its behalf by persons associated with it is periodically assessed. This includes financial risks but also other risks such as reputational damage.

9.4 Due Diligence

- i. The Council takes a proportionate and risk-based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, to mitigate identified bribery risks.

9.5 Communication (including Training)

- i. The Council 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.

9.6 Monitoring and Review

- i. Procedures designed to prevent bribery are monitored and reviewed and improvements are made where necessary.

10 PUBLIC CONTRACTS AND FAILURE TO PREVENT BRIBERY

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

11 PENALTIES

- i. 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.

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

12 HOW TO RAISE A CONCERN

- i. Suffolk County Council ensures that all of us have a safe, reliable, and confidential way of reporting any suspicious activity. We want every member of staff to know how they can raise concerns.
- ii. 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.
- iii. Employees who raise concerns or report wrongdoing (e.g., that they have been offered a bribe or who have been asked to bribe a third party) can understandably be worried about whether there will be repercussions. 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.
- iv. The Council is committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith.
- v. There are multiple channels to help you raise concerns. These are set out in the Council's Whistleblowing policy.
- vi. 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).
- vii. Concerns can be anonymous. If an incident of bribery, corruption, or wrongdoing is reported, we will act as soon as possible to evaluate the situation. We have 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.

13 WHAT TO DO IF SOMEONE REPORTS A CONCERN TO YOU

- i. Senior officers in the service that has been affected by suspected fraud or corruption are responsible for the initial enquiries, in such circumstances it is imperative that they refer to the Council's Anti-Fraud & Corruption Policy and Fraud Response Plan.
- ii. In addition, **the Head of Internal Audit or Counter Fraud Manager must be**

told about any suspected irregularities immediately when they become apparent and may investigate further if necessary.

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Useful links

[Bribery Act 2010](#)

[Fraud & Corruption, Suffolk County Council](#) (for Anti-Fraud & Corruption Policy; Fraud Response Plan; Whistleblowing Policy; Code of Conduct)