



BRACKNELL FOREST BOROUGH COUNCIL

ANTI-BRIBERY POLICY

VERSION	DATE	APPROVED BY	REVIEW DATE
Version 1	June 2017		June 2020

BRACKNELL FOREST COUNCIL ANTI - BRIBERY POLICY

1 POLICY STATEMENT

- 1.1 This policy applies to all parts of Bracknell Forest Council ("**the Council**").
- 1.2 It is the policy throughout the Council to adopt a robust approach to bribery and corruption and to conduct all of our business in an honest and ethical manner. The Council and its officers and personnel (as defined below in clause 2.1) including members will maintain the highest legal and ethical standards in the conduct of its affairs. We are committed to acting professionally, fairly and with integrity in all our business dealings and relationships and implementing and enforcing effective systems to counter bribery and corruption.
- 1.3 We will operate in accordance with all applicable laws relevant to countering bribery and corruption. As a public body in England, the Council is governed by English laws, including the Bribery Act 2010 and section 117 of the Local Government Act 1972 ("**the Acts**").
- 1.4 The purpose of this policy is to:
 - 1.4.1 set out our responsibilities, and of those working for the Council, in observing and upholding our position on bribery and corruption; and
 - 1.4.2 provide information and guidance to those working for the Council on how to recognise and deal with bribery and corruption issues.

2 WHO HAS TO COMPLY WITH THIS POLICY?

- 2.1 This policy applies to all individuals working at all levels and grades, including senior managers, officers, non executive agents, members, employees (whether permanent, fixed-term or temporary), consultants, contractors, trainees, seconded staff, home workers, casual workers and agency staff, volunteers, interns, sponsors, or any other person associated with any part of the Council wherever located (collectively referred to as "**personnel**" in this policy).
- 2.2 The Council has appointed the Borough Treasurer as Compliance Officer who is primarily responsible for implementing this policy and our anti-bribery and corruption programme across the Council and local line managers within each directorate who are responsible for local implementation and monitoring of this policy. However, we are all responsible for compliance with this policy and therefore you must read, understand and comply with this policy. You should also seek to ensure that others around you do the same and we expect you to be vigilant and report any breaches and suspicious activity.
- 2.3 Bribery and corruption are punishable for individuals by imprisonment and if, as an organisation, we are found to have taken part in corruption we could face an unlimited fine and face damage to our reputation. We therefore all need to take our legal responsibilities very seriously.

3 WHO IS RESPONSIBLE FOR THE POLICY?

- 3.1 The senior management of the Council have overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it.
- 3.2 The Compliance Officer has primary and day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation. Local line managers and management at all levels are responsible for

ensuring those reporting to them are made aware of and understand this policy and are given adequate and regular training on it.

4 WHAT IS BRIBERY?

- 4.1 Bribery is the most common form of corruption and can be broadly defined as the offering, promising, giving, accepting or soliciting of an advantage as an inducement or reward for an action which is illegal or a breach of trust.
- 4.2 Although many people think of bribery as involving giving someone cash, it can take many other forms including non-cash gifts, lavish entertainment or hospitality or even simply doing someone a favour.
- 4.3 Bribery takes place if we've given someone a gift, donation, discount or cash incentive or we've taken someone out for particularly lavish hospitality and that when we did so we intended it to induce or reward someone to behave improperly or not to perform their function correctly or in good faith.
- 4.4 It is important to remember that in most cases it will be irrelevant whether the bribe was accepted or not; merely offering the bribe will usually be sufficient for an offence to be committed.
- 4.5 Bribery can be direct (e.g. you give a bribe to someone) or indirect (e.g. you get someone else to give a bribe to another person).

5 WHAT IS NOT ACCEPTABLE?

- 5.1 Bribery and corruption can take many forms and it is important you understand what is expected of you in this regard. Training will be available on this. It is not permitted for personnel (whether you or someone on your behalf) to:
 - 5.1.1 give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
 - 5.1.2 give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
 - 5.1.3 accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
 - 5.1.4 accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return;
 - 5.1.5 threaten or retaliate against another member of our personnel who has refused to commit a bribery offence or who has raised concerns under this policy; or
 - 5.1.6 engage in any activity that might lead to a breach of this policy.
- 5.2 In this policy, **"third party"** means any individual or organisation you come into contact with during the course of your work for the Council, and includes actual and potential clients, members, customers, suppliers, business contacts, advisers, government and public bodies, including their advisors, representatives and officials, politicians and political parties.
- 5.3 In addition to the guidance on specific issues set out below, you may find it helpful to think about the following questions before you give or offer something in the course of acting for or on behalf of the Council. If the answer to any of these questions is "yes" or "I don't know" then what you are doing could be, or could be viewed as, a bribe and you should speak to the Compliance Officer or your line manager:

- 5.3.1 Is this being done to improperly influence a decision someone is going to make?
- 5.3.2 Do I feel that I cannot openly record this in the Council's books and records?
- 5.3.3 Does the person giving or offering this and/or the person being offered or receiving this want it to be kept a secret?
- 5.3.4 If this became public could it harm the reputation of the Council?
- 5.3.5 If it is accepted, would the recipient feel obligated to do something in return?
- 5.3.6 Is this against constitutional requirements?
- 5.4 It is possible for gifts, entertainment, charitable contributions, sponsorship, political contributions and favours to constitute, or be perceived as, bribes. As all these things are relatively common and generally accepted practice in business, it is important that you abide by this policy.

6 GIFTS AND HOSPITALITY

- 6.1 Officers and members must comply with the Council's policy on the giving and receiving of gifts and hospitality. This is set out in the Code of Conduct for Employees and the Code of Conduct for Members and Co-Opted Members ("**the Codes of Conduct**").
- 6.2 This Anti Bribery Policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties as permitted under the Codes of Conduct.
- 6.3 The giving or receipt of gifts and hospitality or entertainment is not prohibited, if personnel ensure that they have complied with the requirements on gifts and hospitality set out in the Codes of Conduct and the following requirements are met:
 - 6.3.1 it is not done with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
 - 6.3.2 it is given in the Council's name, not in your personal name;
 - 6.3.3 it does not have or give the appearance of having an influence on relationships which the Council engages in; and
 - 6.3.4 it is given openly, not secretly, and public disclosure of the same would not embarrass the Council.
- 6.4 Remember that the frequency with which gifts, corporate hospitality and/or entertainment are provided to a single individual or single organisation may become lavish and extraordinary when viewed together over time.

7 FACILITATION PAYMENTS AND KICKBACKS

- 7.1 Facilitation payments are typically small, unofficial payments made to secure or expedite a routine government action by a government official.
- 7.2 Kickbacks are typically payments made in return for a business favour or advantage. Kickbacks can include discounts or other types of cash incentives and can commonly be found to occur in, and so particular vigilance should be paid to, supply chain arrangements.
- 7.3 In many countries, facilitation payments and kickbacks may be customary business practice. Despite this, facilitation payments and kickbacks as defined here are against this policy and we take the view that they are illegal.

- 7.4 If you are unsure whether certain payments which resemble the definition of facilitation payments are permissible, please contact a line manager or the Compliance Officer.
- 7.5 If you are asked to make a payment on behalf of the Council, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment. If you have any suspicions, concerns or queries regarding a payment, you should raise these with a line manager.
- 7.6 All personnel must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by the Council.

8 CHARITABLE CONTRIBUTIONS

- 8.1 Any charitable contributions made or offered on behalf of the Council must:
 - 8.1.1 not be related to, dependent on, or made in order to win or influence, a business deal or decision;
 - 8.1.2 be given directly to the relevant charity and not to an individual; and
 - 8.1.3 only be given with the prior consent of the Compliance Officer.
- 8.2 Paragraph 8.1.3 does not apply to fundraising or collections, but only direct charitable contributions by the Council.
- 8.3 The Council will conduct checks to ensure that the recipient of any charitable contribution is a legitimate and (if required under local laws) registered charity. The recipient will need to provide a receipt for the contribution together with a statement of what it will be used for.

9 POLITICAL DONATIONS

- 9.1 The Council does not make any contributions or donations to government officials or agents, politicians or political parties.
- 9.2 Personnel must not make or offer any political contributions or donations on behalf of the Council.

10 CONFLICT OF INTEREST

- 10.1 Any situation which involves or may involve a conflict between personal interest and the interest of the Council should be avoided. Officers should refer to the sections on personal and prejudicial interest set out in the Code of Conduct for Employees. Members should refer to the sections on interests set out in the Code of Conduct for Members and Co-Opted Members.

11 YOUR RESPONSIBILITIES

- 11.1 You must ensure that you read, understand and comply with this policy.
- 11.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Council or which are under our control. All personnel are required to avoid any activity that might lead to, or suggest, a breach of this policy.
- 11.3 You must notify your line manager or the Compliance Officer as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.
- 11.4 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. Any breach of this policy by a member will be subject to a Standards investigation. We reserve our right to terminate our contractual relationship with other personnel if they breach this policy.

12 RECORD-KEEPING AND DOCUMENTATION

- 12.1 The Council must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.
- 12.2 All contractual arrangements entered into by the Council must be recorded appropriately in a written document.
- 12.3 You must declare and keep a written record of all hospitality or gifts accepted or offered, which will be subject to managerial review and approval, in accordance with paragraph 6 above.
- 12.4 You must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with our expenses policy and specifically record the reason for the expenditure.
- 12.5 All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as customers, agents, affiliates, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness. No accounts must be kept “off-book” to facilitate or conceal improper payments.

13 HOW TO RAISE A CONCERN

You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with your line manager, or the Compliance Officer.

14 WHAT TO DO IF YOU ARE A VICTIM OF BRIBERY OR CORRUPTION

It is important that you tell the Compliance Officer or your line manager as soon as possible if you are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity.

15 PROTECTION

- 15.1 Personnel who refuse to accept or offer a bribe, or those who raise concerns or report another’s wrongdoing, are sometimes worried about possible repercussions. We aim to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.
- 15.2 We are committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Compliance Officer immediately.
- 15.3 The Council operates a whistle blowing policy. If you wish to report any concerns relating to bribery or other matters arising from this policy then this can be done within the process outlined in the whistle blowing policy.

16 TRAINING AND COMMUNICATION

- 16.1 Managers will assess training requirements on this policy as part of the induction process for all new personnel. Training will be made available for existing personnel.
- 16.2 Our robust approach to bribery and corruption must be communicated to all third parties at the outset of our business relationship with them and as appropriate thereafter.

17 **MONITORING AND REVIEW**

- 17.1 The Compliance Officer will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as possible. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering bribery and corruption
- 17.2 All personnel are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.
- 17.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.

THE SCHEDULE

Potential Risk Scenarios: “Red Flags”

The following is a list of possible red flags that may arise during the course of you working for us and which may raise concerns under various anti-bribery and anti-corruption laws. The list is not intended to be exhaustive and is for illustrative purposes only. If you encounter any of these red flags while working for us, you must report them promptly to your line manager or the Compliance Officer:

- 1 you become aware that a third party engages in, or has been accused of engaging in, improper business practices;
- 2 you learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them;
- 3 a third party insists on receiving a commission or fee payment before committing to sign up to a contract with us, or carrying out a government function or process for us;
- 4 a third party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made;
- 5 a third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business;
- 6 a third party requests an unexpected additional fee or commission to “facilitate” a service;
- 7 you learn that a colleague is being taken out by a particular supplier for very expensive and frequent meals;
- 8 a third party requests that a payment is made to “overlook” potential legal violations;
- 9 a third party requests that you provide employment or some other advantage to a friend or relative;
- 10 you receive an invoice from a third party that appears to be non-standard or customised;
- 11 a third party insists on the use of side letters or refuses to put terms agreed in writing;
- 12 you notice that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided;
- 13 a third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to us; or
- 14 you are offered an unusually generous gift or offered lavish hospitality by a third party.