

# Anti-Bribery Policy

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## Policy Statement - Anti Bribery

Bribery is a criminal offence. The Council does 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.

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.

The council is committed to conducting business in an ethical and honest manner and is committed to implementing and enforcing systems that ensure bribery is prevented. We will act professionally, fairly, and with integrity in all business dealings and relationships.

We are committed to the prevention, deterrence, and detection of bribery. We have zero-tolerance towards bribery. We aim to maintain anti-bribery compliance “business as usual”, rather than as a one-off exercise.

## Objective of this policy

This policy is intended to provide a coherent and consistent framework to enable the council’s employees and others to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable employees to identify and effectively report a potential breach.

We require that all people associated with the council, including those permanently employed, temporary agency staff, Members, strategic partners, and contractors:

- Act honestly and with integrity at all times and to 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.

## Scope of this policy

This policy applies to all the Council’s operations and activities. For partners, joint ventures, and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.

Within the Council, the responsibility to prevent, detect and control the risk of bribery occurring resides at all levels. It does not rest solely within assurance functions, but in all business units and corporate functions.

This policy covers all personnel, including all levels and grades, those permanently employed, temporary agency staff, contractors, non-executives, agents, Members (including independent members), volunteers and consultants.

## This council’s commitment to action

The council commits to:

- Setting out a clear anti-bribery policy and keeping it up to date;
- Making all employees aware of their responsibilities to adhere strictly to this policy at all times;
- Training all employees so that they can recognise and avoid bribery
- Encouraging 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, law enforcement agencies and other appropriate authorities in any resultant prosecution;
- Taking firm and vigorous action against any individual(s) or third parties involved in bribery;
- Where bribery has been discovered, whether perpetrated by Officers, Members or third parties (e.g. suppliers, contractors, service providers), the Head of Internal Audit will consult with the Director of Legal Services as appropriate, to form a view on whether the matter should be reported to the Police or other enforcement entities.
- The final decision whether to refer a case to the Police or other enforcement entities or not, will be made by the Monitoring Officer as soon as reasonably practicable. The Monitoring Officer will consider factors such as the nature and seriousness of the offence, as well as the Council's ability to investigate/prosecute itself.
- In all cases where matters are referred to the Police, the Police, and latterly the Crown Prosecution Service, will determine whether an investigation and/or prosecution will be pursued.
- Providing information to all employees to report breaches and suspected breaches of this policy; and
- Dealing appropriately with bribery prevention as part of its procurement and contract monitoring processes.

## **Bribery – Definition**

Bribery consists of offering or giving a financial or other advantage with the intention of inducing a person to improperly perform a relevant function or activity or to reward a person for the improper performance of such a function or activity. A relevant function or activity includes any function of a public nature and any activity connected with a business

Bribery refers to the act of offering, giving, promising, asking, agreeing, receiving, accepting, or soliciting something of value or of an advantage so to induce or influence an action or decision. Bribery is not limited to the act of offering a bribe. If an individual is on the receiving end of a bribe and they accept it, they are also breaking the law.

Bribery is a crime, and the council has a zero tolerance, regardless of if bribery is directly, passively or through a third party. The council is strictly against bribery in any form or shape. If you are uncertain about whether something is a bribe or a gift or act of hospitality, you **must** seek further advice from your manager, head of service or the council's monitoring officer.

## The Bribery Act

There are four key offences under the Act:

- Bribery of another person (section 1)
- Accepting a bribe (section 2)
- Bribing a foreign official (section 6)
- Failing to prevent bribery (section 7)

The Bribery Act 2010, makes it an offence;

- to offer, promise or give a bribe (section 1).
- it also makes it an offence to request, agree to receive, or accept a bribe (section 2).
- section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business.
- There is also a corporate offence under Section 7 of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

## Penalties

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

Organisations guilty of an offence under section 7 are liable to an unlimited fine.

## Are we a “commercial organisation”?

The guidance states that a “commercial organisation” is anybody formed in the United Kingdom and “...it does not matter if it pursues primarily charitable or educational aims or purely public functions. The scope of the legalisation applies if it engages in commercial activities, irrespective of the purpose for which profits are made.”

Whether or not the council is a “commercial organisation”, it is committed to meeting the standards set by the Bribery Act 2010.

## What are “adequate procedures”?

The guidance issued under the Bribery Act 2010, sets out six principles relevant to whether an organisation has adequate bribery prevention procedures in place. The council is committed to proportional implementation of these principles and makes the specific commitments set out below.

### ***Principle 1: Proportionate procedures***

The council has adopted this Anti Bribery Policy to set out its over-riding commitment to bribery prevention. The council has related codes of conduct and procedures that are listed later in the policy.

### ***Principle 2: Top level commitment***

This policy has been agreed by the Corporate Leadership Team and the Mayor, along with the related action around risk assessment, due diligence, communication, training, monitoring, and review.

### ***Principle 3: Risk Assessment***

The council has identified key areas of risk in respect of property disposal, contract award and monitoring, sponsorship, grants and regulatory activity and enforcement. These risks will be subject to review and monitoring within service areas. Regular risk reports will be considered by the Corporate Leadership Team and Members.

### ***Principle 4: Due diligence***

The council applies due diligence procedures, taking a proportionate and risk-based approach, in respect of persons or organisations with whom it seeks or will seek services, or provides or will provide services for, in order to mitigate identified bribery risks.

### ***Principle 5: Communication (including training)***

This policy will be appropriately publicised within the council and externally. A programme of training will be conducted for employees and Members.

### ***Principle 6: Monitoring and review***

This policy and performance under the policy will be the subject of annual review by the Corporate Leadership Team and the Audit Committee.

## Behaviours that will not be tolerated

It is unacceptable to:

- give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that an advantage will be received, or to reward an advantage already given;
- 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;
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain an advantage for them;
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that an advantage will be provided by us in return;
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy;
- engage in activity in breach of this policy.

## Facilitation payments

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

## Gifts and hospitality

This policy is not meant to change the requirements of our gifts and hospitality policy set out in the Employees' Code of Conduct. This makes it clear that:

- A register of gifts and hospitality is maintained for each directorate.
- Hospitality may be offered to organisations on the Council's premises but only with the express permission of the Head of Service or the Director and on a scale appropriate to the occasion.
- Employees should return or refuse gifts, hospitality or favours that could put them in a compromising position or render them liable to accusations by other parties.
- Employees must not ask for any reward, tip, gift, Christmas box or other inducement and should not put themselves in debt to someone where this could influence their work.
- There may be occasions where some personal hospitality or small gift is permissible, but this should be discussed with the Head of Service or the Director and permission obtained.
- Before accepting a gift or hospitality, consideration should always be given to: the timing of decisions for letting contracts; the type of gift or hospitality; whether the firm may benefit from the council's goodwill; whether the firm is seeking or has a contract; whether the visit is instructive or social; the scale and location of the hospitality and whether it falls in working hours; the frequency of the hospitality; and whether it is directed to a single person or a group.

Members remain subject to the Code of Conduct for Members, under which they make the following commitments:

- A commitment to honesty and integrity and a duty to uphold the law.
- To conduct themselves so as not to bring the Council into disrepute.
- Not to use or attempt to use their positions improperly to confer on or to secure (for themselves or another person) an advantage or disadvantage.
- To declare personal and prejudicial interests in the business of the authority.
- To have specified personal interests recorded in a declaration of interest register.

## Public contracts and failure to prevent bribery

The council's commitment to prevent bribery is reflected in its procurement procedures. 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. There are no plans to amend the 2015 Regulations for this to include the crime of failure to prevent bribery. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. This organisation has the discretion to exclude organisations convicted of this offence.

## Staff responsibilities

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the organisation or under its control. All staff **must** avoid activity that breaches this policy. Staff must comply with their terms and conditions of employment and the Employees' Code of Conduct.

### Staff **must**:

- ensure they read, understand, and comply with the information contained within this policy, and with any training or other anti-bribery and corruption information provided.
- be responsible for the prevention, detection, and reporting of bribery and other forms of corruption. Staff are required to avoid any activities that could lead to, or imply, a breach of this anti-bribery policy.
- notify their line manager, Head of Service, the Director or monitoring officer if they have reason to believe or suspect that an instance of bribery or corruption has occurred or will occur in the future
- Raise concerns as soon as possible if they believe or suspect that a conflict with this policy has occurred or may occur in the future.

## Raising a concern

This council is committed to ensuring 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.



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.**

There are multiple channels to help you raise concerns. Staff anonymity will be protected in accordance with stipulations of the whistleblowing policy. Staff can view the [whistleblowing process on The Bridge](#).

Staff that refuse to accept or offer a bribe, or those who raise concerns or report wrongdoing can understandably be worried about the repercussions. We encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken. Staff do not have to obtain absolute proof of bribery to raise concerns, **if you have a suspicion, raise your concerns.**

We are 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.

Any external person who wishes to report a concern about bribery may do so by contacting any of the following –

Robert Watt. Investigations Manager. Tel: 07908 130194  
Email: [rob.watt@towerhamlets.gov.uk](mailto:rob.watt@towerhamlets.gov.uk)

Janet Fasan, Monitoring Officer 0207 3644 348  
Email: [monitoring.officer@towerhamlets.gov.uk](mailto:monitoring.officer@towerhamlets.gov.uk)

## Further information

If you have any questions about these procedures, please contact Robert Watt or Bharat Mehta.

## Other relevant policies

- Anti-Fraud and Corruption strategy
- Anti-Money Laundering policy
- Whistleblowing policy
- Employees' Code of Conduct
- Code of Conduct for Members
- Procurement procedures

## Useful links

CIPFA Better Governance Forum <https://www.cipfa.org/services/networks/better-governance-forum>

The Bribery Act [Bribery Act 2010](#)

Transparency International [Transparency International UK](#)

Protect (Previously Public Concern at Work) <https://protect-advice.org.uk/>

The British Standards Institution (Code of Practice on whistleblowing arrangements 2008, Anti Bribery Management System Standard late 2011) [BSI: Standards, Training, Testing, Assessment & Certification](#)

Department for Business Innovation and Skills (Blowing the whistle to a prescribed person)  
[http://www.direct.gov.uk/prod\\_consum\\_dg/groups/dg\\_digitalassets/@dg/@en/@employ/documents/digitalasset/dg\\_177605.pdf](http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/@employ/documents/digitalasset/dg_177605.pdf)