

Assurance Group

Anti-Bribery Policy

2024

| | |
|---------------------|-----------------------------|
| Date Last Reviewed: | July 2024 |
| Approved by: | Audit & Standards Committee |
| Date Approved: | 2 December 2024 |
| Review Date: | June 2025 |
| Document Owner: | Head of Assurance |

The Council's commitment to the Policy

The Council is committed to carrying out its business and relationships professionally and with integrity and ensuring compliance with the requirements of the Bribery Act 2010. Bribery results in substantial financial loss to the public purse and undermines trust in public sector organisations. The Council is committed to the prevention, detection and deterrence of bribery. We take a zero-tolerance approach to acts of bribery and any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. We may also look to prosecute those found to have been involved in acts of bribery. Any non-employee who breaches this policy may also have action taken against them.

What are the aims and requirements of the legislation?

To ensure the Council conducts its business to the highest legal and ethical standards. The Council will not be party to corruption or bribery in any form. All of us must work together to ensure that it is untainted by bribery or corruption. This policy is a crucial element of that effort. Where Bribery is found to occur, in any form, it will be dealt with rigorously in a controlled manner in accordance with the principles in the Bribery Act policy. It will be investigated fully, and the London Borough of Barking and Dagenham will prosecute all offenders where appropriate including, Members, employees, contractors and external partners.

Who is governed by this Policy?

The Bribery Act policy covers everyone working for us, or on our behalf, in any capacity including all permanent employees, temporary agency employees, contractors, members of the council, volunteers, interns, third-party representatives, consultants or any other person associated with the Council. It also includes anyone employed within any of the Council owned companies.

Contents

| | |
|---|---|
| The Bribery Act 2010 including the Aim and Scope of this policy | 1 |
| What are adequate procedures? | 2 |
| What are the principles? | 2 |
| Golden Rules | 3 |
| Employee Responsibilities | 4 |
| Reporting a concern | 4 |
| Further support and guidance | 4 |

The Bribery Act 2010

Bribery is offering, promising, giving or accepting any financial or other advantage, to induce the recipient or any other person to act improperly in the performance of their functions, or to reward them for acting improperly, or where the recipient would act improperly by accepting the advantage.

This would include attempts to influence decisions by Local Authorities or elected representatives on matters such as planning consent, school admissions or the award of contracts.

An advantage includes money, gifts, loans, fees, hospitality, services, discounts, the award of a contract or any other advantage or benefit.

A person acts improperly where they act in breach of an expectation of good faith, impartiality, or trust.

Bribery is a serious criminal offence with a maximum sentence of ten years' imprisonment and/or an unlimited fine.

The council can be held criminally responsible for failing to prevent bribery if a person associated with the Council bribes another person unless the Council has in place adequate procedures to prevent this.

It is also illegal to bribe a foreign public official.

The aim of this policy

This policy provides a framework to allow those working for the Council, or on its behalf, to understand and put into place arrangements to prevent bribery. It demonstrates that the council has implemented adequate procedures to prevent bribery by persons associated with the Council. It will work with related policies, and other documents, to identify and report when this policy is breached and aims to ensure that everyone:

- always acts with integrity and protects the council's resources which they are responsible for; and
- keeps to the spirit, and letter, of the laws and regulations that cover our work

Scope of this policy

This policy applies to all our activities. All levels of the council are responsible for controlling the risk of bribery. We encourage schools, suppliers and other organisations we work with to adopt policies that are consistent with the principles set out in this policy.

The Anti-Bribery policy applies to and covers everyone working for us, or on our behalf (including the Council's owned companies), all permanent employees, agency staff,

contractors, members of the council, volunteers and consultants. Everyone, at all levels of the council, has a responsibility to control the risk of bribery occurring.

What are “adequate procedures”

For this council to show that we take the Bribery Act seriously, we need to show we have adequate procedures in place designed to prevent bribery. Whether our procedures are adequate will be for the courts to decide. Our procedures need to be in proportion to the level of risk of bribery in our organisation. The Council is committed to the six principles for bribery prevention issued by the Ministry of Justice.

What are the principles?

1. Proportionate procedures

The Council’s procedures to prevent bribery by a person associated with it are proportionate to the bribery risks it faces and to the nature, scale and complexity of the Council’s activities. The procedures are clear, practical, accessible and effectively put into place and enforced.

2. Commitment at the top levels of our organisation

Our Cabinet and Senior Leadership Team are committed to preventing bribery by the people associated with us. They help create a culture in our organisation where bribery is never acceptable.

3. Risk assessment

We regularly assess how and to what extent we will be exposed to potential risks of bribery as part of a wider fraud risk assessment. We keep a record of the assessment, which includes financial risks and also other risks such as damage to our reputation.

4. Due diligence

We apply due diligence procedures in relation to people who provide services for or on behalf of our organisation to reduce the risks of bribery. This would include carrying out checks on such organisations or companies and ensuring that they have similar anti-bribery processes in place.

5. Communication (including training)

We aim to make sure that our policies and procedures to prevent bribery are understood throughout our organisation. We do this through communication inside and outside of our organisation, including training.

6. Monitoring and review

We monitor and review the procedures designed to prevent bribery and make improvements where they are needed. The Monitoring Officer and Counter Fraud & Risk Manager will oversee this. We are committed to putting these principles into place as, should we be found guilty of an offence under section 7 of the Act, we can be fined an unlimited amount.

Facilitation payments

Facilitation payments are unofficial payments made to public officials to get them to take certain actions or take actions more quickly. Facilitation payments are illegal under the Bribery Act 2010, and we will not tolerate them.

Gifts and hospitality

This policy is in line with our gifts and hospitality policy (this can be read on the Council Intranet). The gifts and hospitality policy makes it clear that if members of the council or employees are offered gifts, in their council role, they should not accept anything with more than a token value (examples of things that are of token value include bottles of wine, boxes of chocolates, flowers, pens, calendars and diaries), with a minimal value. All Gifts and Hospitality should be reported to managers who can advise whether any further, formal reporting, needs to happen.

Public contracts and failure to prevent bribery

Under the Public Contracts Regulations 2015, persons are to be excluded from consideration to be awarded public contracts if they have been convicted of a corruption offence. Organisations that are convicted of failing to prevent bribery are not automatically barred from competing for public contracts. This is a complex area and procurement advice must be sought where verification has revealed conviction(s) relating to bribery, fraud and other specified unlawful activities within the Regulations. However, we can exclude organisations convicted of this offence from competing for contracts with us. We will include standard clauses in our commercial contracts forbidding bribery and corruption.

Golden Rules

We will not tolerate bribery and those covered by the policy must not:

- give, promise to give, or offer a payment, a gift or hospitality with the expectation or hope that they will receive a business advantage, or to reward a business advantage that they have already been given
- give, promise to give, or offer a payment, a gift or hospitality to a government official or representative to speed up a routine procedure
- accept a payment from another person or organisation if they know or suspect that it is offered with the expectation that it will give them a business advantage
- accept a gift or hospitality from another person or organisation if they know or suspect that it is offered or provided with an expectation that they will provide a business advantage in return
- act against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy; or
- take part in activities that break this policy

We are committed to:

- setting out a clear Anti-Bribery policy and keeping it up to date
- making all employees aware of their responsibility to always keep to this policy
- training employees so that they can recognise and avoid the use of bribery
- encouraging our employees to be aware and to report any suspicions of bribery
- providing our employees with information on suitable ways of telling us about their suspicions and making sure we treat sensitive information appropriately

- investigating alleged bribery and helping the police and other authorities in any prosecution that happens because of the alleged bribery
- taking firm action against any people involved in bribery; and
- including appropriate clauses in contracts to prevent bribery

Employee Responsibilities

All the people who work for us, or are under our control, are responsible for preventing, detecting and reporting bribery and other forms of corruption. All employees must avoid activities that break this policy and must:

- make sure they read, understand and keep to this policy; and
- tell us as soon as possible if they believe or suspect that someone has broken this policy, or may break this policy in the future

Anyone covered by the policy found to break it will face disciplinary action, potentially leading to dismissal for gross misconduct and/or may also face civil and/or criminal prosecution.

Reporting a concern

We all have a responsibility to help detect, prevent and report instances of bribery. If anyone has a concern about suspected bribery or corruption, they should speak up. The sooner they act, the sooner the situation can be dealt with. There are several ways of informing about any concerns including talking to a line manager first or one of the contacts listed in the Whistleblowing Policy if this is more appropriate.

Managers should contact the Counter Fraud and Risk Manager immediately upon being notified by an employee of an allegation of bribery, fraud or corruption.

Those reporting concerns do not have to give us their name. Upon receiving a report about an incident of bribery, corruption or wrongdoing, action will be taken as soon as possible to assess the situation. There are clear procedures for investigating fraud and these will be followed in any investigation of this kind. In some circumstances, we will have to consider reporting the matter to the Police and/or other agencies.

Employees that refuse to accept or offer a bribe, or those who report concerns or wrongdoing can understandably be worried about what might happen as a result. To encourage openness, anyone who reports a genuine concern in the public interest will be supported under this policy, even if they turn out to be mistaken. There is a commitment to making sure nobody is treated badly because they have refused to take part in bribery or corruption, or because they have reported a concern.

Further Support & Guidance

If there are any questions about this policy, the Counter Fraud and Risk Manager can be contacted on 020 8227 2850, caft@lbbd.gov.uk or by visiting our intranet pages.