



ANTI-BRIBERY POLICY

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| Policy Owner | Director of Corporate Services and Governance |
| Reviewed by | Head of Audit and Assurance |
| Date of Review | July 2022 |
| Approved by | |
| Date approved | |

1. POLICY STATEMENT

- 1.1. The London Borough of Bromley has high expectations of propriety, integrity and accountability from all staff, Members and others who undertake work on our behalf. It will not tolerate any form of corruption, including bribery, and is committed to implementing robust arrangements for the prevention, detection and investigation of bribery.
- 1.2. Bribery is a criminal offence. The Council will not pay bribes or offer improper inducements to anyone for any purpose, nor will we accept bribes or improper inducements. Using a third party as a conduit to channel bribes to others is also a criminal offence. We do not, and will not, engage indirectly in or otherwise encourage bribery.
- 1.3. This aims of this policy are to:
 - set out the Council's commitment to high ethical standards and a zero tolerance approach to bribery
 - provide a coherent and consistent framework to effectively prevent bribery
 - ensure that all employees understand their responsibilities regarding anti-bribery arrangements
 - ensure that any allegations of bribery are reported and managed appropriately.

2. Scope of this policy

- 2.1. This policy applies to all of the Council's activities. For partners, joint ventures and suppliers, we will promote the adoption of policies consistent with the principles set out in this policy and ensure that suitable arrangements are set out in contracts.
- 2.2. This policy covers all personnel who undertake work on the Council's behalf, including employees, agency staff, contractors, Members, volunteers and consultants.

3. What is Bribery?

- 3.1. Ministry of Justice guidance defines bribery as "giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so".
- 3.2. [The Bribery Act](#) 2010 contains four key offences:
 - Bribing a person to induce or reward them to perform a relevant function improperly (section 1)
 - Requesting, accepting or receiving a bribe as a reward for performing a relevant function improperly (section 2)
 - Using a bribe to influence a foreign official to gain a business advantage (section 6)
 - In relation to a commercial organisation, committing bribery to gain or retain a business advantage, there being no adequate procedures in place to prevent such actions (section 7).

3.3. The Council may be considered a “commercial organisation” for the purposes of the Act and is therefore subject to all of the above provisions. Penalties for convictions are significant for both individuals and organisations; a ten year prison sentence and / or an unlimited fine.

3.4. An organisation will have a defence to the corporate offence if it can demonstrate that it had adequate procedures in place designed to prevent bribery.

4. The Council’s approach

4.1 The Council’s approach to bribery as set out below follows the principles contained in Ministry of Justice guidance [The Bribery Act 2010 - Guidance \(justice.gov.uk\)](https://www.justice.gov.uk/guidance/bribery-act-2010):

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| 1. Top Level Commitment |
| <p>Chief Officers and Members are committed to the highest standards of ethical behaviour and have a zero-tolerance approach to bribery. As set out in the Counter Fraud and Corruption Strategy, all senior managers are responsible for:</p> <ul style="list-style-type: none"> • embedding a strong counter fraud and corruption culture in line with the Council’s objectives, values and behaviours • promoting fraud and corruption awareness and an open and transparent culture where staff feel empowered to report suspicions of wrong-doing. |
| 2. Risk Assessment |
| <p>Bribery risks will be assessed as part of the Council’s existing risk management processes, at Corporate and Departmental / Service level.</p> <p>Senior managers are responsible for ensuring that there are mechanisms in place within their service areas to assess the risk of bribery and to reduce these risks by implementing strong internal controls.</p> <p>Risk management processes are ongoing and key risks are reported to relevant Committees.</p> |
| 3. Proportionate Procedures |
| <p>The London Borough of Bromley has a framework of policies and procedures that are intended to minimise corruption risks; key policies are listed below. All officers and Members are expected to comply with the requirements of these policies.</p> <ul style="list-style-type: none"> • Counter Fraud and Corruption Strategy • Values and Behaviours • Raising Concerns (Whistleblowing) Policy • Gifts and Hospitality Code of Conduct • Notes of Guidance – Conflicts of interest and declaration of registerable interests. • Financial Regulations and Procedures • Financial Regulations for Schools • Contract Procedure Rules • Money Laundering Policy • Suite of Recruitment procedures • Members’ Code of Conduct <p>Senior managers are expected to ensure that they have appropriate local procedures to mitigate any bribery risks that they have identified as part of their risk management processes.</p> |

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| 4. Due Diligence |
| <p>The Council will apply a proportionate and risk-based approach, in respect of persons who perform or will perform services for or on behalf of the organisation. Contract Procedure Rules require due diligence (a suitability assessment) to be undertaken on prospective contractors and partners.</p> <p>All contracts will contain anti-corruption clauses.</p> <p>Under the Public Contracts Regulations 2015, mandatory exclusion applies from competing for public contracts where an organisation is convicted of a corruption offence, including bribery. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. The Council may exclude organisations convicted of this offence at its discretion.</p> |
| 5. Communication (including training) |
| <p>This policy will be available to all staff and the wider public and will periodically be promoted. The London Borough of Bromley will develop counter fraud and corruption training for all staff, including anti-bribery, that is proportionate to the risks it faces.</p> |
| 6. Monitoring and Review |
| <p>This policy will be reviewed every two years at a minimum, or when there is a significant change in circumstances. Individual service managers must regularly monitor and review procedures within their own services that are designed to mitigate bribery risks.</p> |

5. Staff Responsibilities

5.1. 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. At the London Borough of Bromley, the responsibility to control the risk of bribery resides at all levels of the organisation. It does not rest solely within assurance functions, but in all business units and corporate functions.

5.2. It is unacceptable for Council employees or those acting on behalf of the Council to:

- 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
- 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 a business 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 a business 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.

5.3. Allegations of bribery involving Council employees will be dealt with under the Disciplinary Procedure. They may also be referred to enforcement agencies for criminal investigation.

6. Raising a Concern

6.1. All staff, Members, volunteers and those undertaking work on the Council's behalf must raise any concerns they have, where they have reason to believe that a breach of this policy has occurred, or may occur.

6.2. We encourage staff to raise any concerns with their line manager in the first instance. However, where this is not appropriate or where they do not feel able to do so, they can use the Raising Concerns (Whistleblowing) policy or contact the Director of Corporate Services and Governance.

6.3. Members, volunteers and external agents can use the contacts within the Raising Concerns Policy or contact the Director of Corporate Services and Governance.

6.4. Any manager receiving a concern must ensure that they report this promptly to the Director of Corporate Services and Governance, who maintains oversight of concerns raised and will ensure that appropriate action is taken.

7. Contact

7.1. If you have any queries on this policy or would like further advice, please contact:

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