

Corporate Policy and Strategy Committee

10.00am, Tuesday, 28 March 2017

Anti-Bribery Policy

Item number	7.5
Report number	
Executive/routine	
Wards	

Executive Summary

The Corporate Policy and Strategy Committee approved the Anti-Bribery Policy on 7 August 2012. It was then reviewed in January 2015 and has been reviewed annually since then.

The Policy is still judged to be fit for purpose, however some changes have been made to the tone of the language used and the vocabulary, to ensure that it is easily understood by all colleagues.

Links

Coalition Pledges	P27
Council Priorities	CO24; CO26; CO27
Single Outcome Agreement	

Anti-Bribery Policy

1. Recommendations

1.1 Committee is asked:

- 1.1.1 To note that policy has been reviewed with some change to the language but no change to how colleagues are required to comply with the policy; and
- 1.1.2 To agree this policy should be reviewed annually or to comply with changing legislation or when a business need to do so had been identified.

2. Background

- 2.1 The Policy was formally introduced on 7 August 2012. It was then reviewed in 2015 and has been reviewed annually since then.
- 2.2 The Policy was written to help the Council comply with the Bribery Act 2010, in that it provides the Council with the adequate measures that it is obliged to have in place to help prevent bribery happen.
- 2.3 The Policy is a component of induction training and part of the annual refresher training on the Council's key policies, which all employees must complete.

3. Main report

- 3.1 The Policy has again been reviewed with the following points being considered:
 - Whether the policy needed to be updated to reflect any changes in legislation;
 - Feedback from HR colleagues; and
 - Feedback from the Joint Trades Unions.
- 3.2 There have been no amendments made to the Bribery Act 2010 since the previous review so, content-wise, there was no need to change the policy.

- 3.3 However, the Council has a responsibility to make its policies accessible and has taken the opportunity to revise some of the language, making it easier to understand.
- 3.4 Now that this work has been done, the policy will only be reviewed in future if there is a need to comply with legislation or if there is an organisational need to do so.

4. Measures of success

- 4.1 Fewer allegations of bribery being made.
- 4.2 Colleagues know how to report bribery.
- 4.3 Colleagues are secure in the knowledge that they will be listened to when they make allegations of bribery.

5. Financial impact

- 5.1 No financial impact.

6. Risk, policy, compliance and governance impact

- 6.1 This Policy complies with the requirements of the Bribery Act 2010.

7. Equalities impact

- 7.1 The policy applies to all employees equally.
- 7.2 There are no adverse equality issues arising from this report which will impact on employee groups with protected characteristics as defined by the Equality Act 2010.

8. Sustainability impact

- 8.1 None.

9. Consultation and engagement

- 9.1 The Trades Unions have been consulted as part of the review and their comments have been taken on board.

10. Background reading/external references

10.1 Current [Anti-Bribery Policy](#).

10.2 [Anti-Bribery Policy, Procedure and Revised Employee Code of Conduct](#)

Hugh Dunn

Acting Executive Director of Resources

Contact: Katy Miller, Head of Human Resources

E-mail: katy.miller@edinburgh.gov.uk | Tel: 0131 469 5522

11. Links

Coalition Pledges	P27 - Seek to work in full partnership with Council staff and their representatives
Council Priorities	CO24 - The Council communicates effectively and internally and externally and has an excellent reputation for customer care CO26 - The Council engages with stakeholders and works in partnership to improve services and deliver on agreed objectives. CO27 - The Council supports, invests in and develops our people
Single Outcome Agreement	SO1 – Edinburgh’s economy delivers increased investment, jobs and opportunities for all
Appendices	Appendix 1 - Anti-Bribery Policy

Anti-Bribery Policy

Implementation date: 7 August 2012

Control schedule

Approved by	Corporate Policy and Strategy Committee
Approval date	7 August 2012
Senior Responsible Officer	Katy Miller
Author	Stewart Cassie
Scheduled for review	28 March 2017

Version control

Version	Date	Author	Comment
0.1	14 February	Stewart Cassie	

Committee decisions affecting this policy

Date	Committee	Link to report	Link to minute
-------------	------------------	-----------------------	-----------------------

Anti-Bribery Policy

Policy statement

- 1.1 Bribery is where one person offers or gives a sum of money or something of value to someone else, in order to influence an outcome. Bribery is a criminal offence. The maximum penalty for individuals under the Bribery Act is 10 years' imprisonment and/or unlimited fines.
- 1.2 In the Council, that could mean members of the public or other businesses bribing employees. Equally, it could be employees offering bribes to business or members of the public. We are clear that as an organisation, we do not tolerate bribery in any form.
- 1.3 The Bribery Act 2010 means that the Council has to put adequate measures in place to try to stop bribery happening and to make sure that employees understand what they need to do if they think bribery is happening.
- 1.4 This Policy has been written to comply with the Act and sets out:
 - how we prevent bribery happening;
 - how we deal with bribery, if we find out it's happening;
 - how we help employees understand their responsibilities under the Act.
- 1.5 This Policy is supported by an Anti-Bribery procedure which helps all our colleagues recognise, prevent and deal with bribery and corruption. All employees must read our Anti-Fraud and Corruption Policy and our Employee Code of Conduct, to make sure they are clear of the standards of behaviour the Council expects.

Scope

- 2.1 This Policy applies to all employees and covers everything that the Council does.
- 2.2 We will also do everything we can to ensure that all the third parties¹ we work with adopt the same attitudes and practices around bribery.

¹ A third party is an individual or organisation that engages for business with the Council e.g. external service providers, suppliers and contractors.

Definitions

- 3.1 **Bribery:** an inducement or a reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage. Bribery can be about bribing another individual or organisation or about accepting a bribe yourself. Bribes are not just about money. Gifts and hospitality can also be considered as bribes.
- 3.2 **Adequate Procedures:** the Act requires the Council to put adequate procedures in place to stop bribery. If we don't, then that is also an offence and the Council could face an unlimited fine. Adequate procedures will vary between organisations, depending on the risk of bribery and nature, size and complexity of the business. They and need to be applied proportionately, based on the level of risk and need to be based on the following six principles:
- Top Level Commitment;
 - Risk Assessment;
 - Proportionate Procedures (proportionate to the bribery risks faced);
 - Due Diligence;
 - Communications (the anti-bribery policy and procedure are embedded and understood);
 - Monitoring and Review

Policy content

- 4.1 See appendix 1.

Implementation

- 5.1 For details of the completed [Implementation and Monitoring form](#), contact the named author of the policy.

Roles and responsibilities

- 6.1 All employees must read and understand this Policy, the Anti-Bribery Procedure and the Employee Code of Conduct. This will be covered annually as part of the review of key policies.
- 6.2 All employees are responsible for reporting any bribery or other forms of corruption that they are aware is happening in the Council.

6.3 As part of this, they should do the following:

- comply with this policy;
- avoid any activity that breaches this Policy or could be seen as a breach of this Policy;
- speak to their manager before accepting gifts or hospitality;
- raise concerns about bribery as soon as they can, if they think that it's happening in the Council or is likely to happen.
- For further information on raising concerns, please see Section 5 of the Employee Code of Conduct.
- If employees have any doubt at all about circumstances that they find themselves in, they should speak to their manager to get advice.

Related documents

7.1 [Employee Code of Conduct](#)

7.2 [Anti-Bribery Procedure](#)

Equalities and impact assessment

8.1 For details of the completed [Record of Equality and Rights Impact Assessment \(ERIA\)](#) form, contact the named author of the policy.

Strategic environmental assessment

9.1 This policy has no environmental impact.

Risk assessment

10.1 This policy complies with the Anti-Bribery Act 2010, therefore mitigates against Council's risk in relation to dealing with bribery allegations.

Review

11.1 This policy will be reviewed when there is an organisational need to do so or there is a change to anti-bribery legislation.

ANTI-BRIBERY POLICY

(covering all employees)

Contents

1. Introduction
2. Scope
3. Definitions
4. Compliance
5. Our Position on Bribery
6. Our Anti-Bribery Procedure
7. Employee Responsibilities
8. How We Deal with Bribery
9. Gifts and Hospitality
10. Review
11. Local Agreement

Approved: 7 August 2012

Reviewed: January 2015

Reviewed: February 2016

Reviewed: February 2017

1 Introduction

- 1.1 Bribery is where one person offers or gives a sum of money or something of value to someone else, in order influence an outcome. Bribery is a criminal offence. The maximum penalty for individuals under the Bribery Act is 10 years' imprisonment and/or unlimited fines.
- 1.2 In the Council, that could mean members of the public or other businesses bribing employees. Equally, it could be employees offering bribes to business or members of the public. We are clear that as an organisation, we do not tolerate bribery in any form.
- 1.3 The Bribery Act 2010 means that the Council has to put adequate measures in place to try to stop bribery happening and to make sure that employees understand what they need to do if they think bribery is happening.
- 1.4 This Policy has been written to comply with the Act and sets out:
 - a) how we prevent bribery happening;
 - b) how we deal with bribery, if we find out it's happening;
 - c) how we help colleagues understand their responsibilities under the Act.
- 1.5 This Policy is supported by an Anti-Bribery procedure which helps all our colleagues recognise, prevent and deal with bribery and corruption. All employees must read our Anti-Fraud and Corruption Policy and our Employee Code of Conduct, to make sure they are clear of the standards of behaviour the Council expects.

2 Scope

- 2.1 This Policy applies to all employees and covers everything that the Council does.
- 2.2 We will also do everything we can to ensure that all the third parties² we work with adopt the same attitudes and practices around bribery.

3 Definitions

- 3.1 **Bribery:** an inducement or a reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage. Bribery can be about bribing another individual or organisation or about accepting a bribe yourself. Bribes are not just about money. Gifts and hospitality can also be considered as bribes.
- 3.2 **Adequate Procedures:** the Act requires the Council to put adequate procedures in place to stop bribery. If we don't, then that is also an offence and the Council could face an unlimited fine. Adequate procedures will vary between organisations, depending on the risk of bribery and nature, size and complexity of

² A third party is an individual or organisation that engages for business with the Council e.g. external service providers, suppliers and contractors.

the business. They and need to be applied proportionately, based on the level of risk and need to be based on the following six principles:

- Top Level Commitment;
- Risk Assessment;
- Proportionate Procedures (proportionate to the bribery risks faced);
- Due Diligence;
- Communications (the anti-bribery policy and procedure are embedded and understood);
- Monitoring and Review

4 Compliance

- 4.1 We need to make sure that all employees know what their responsibilities are under this policy. This policy is included as part of induction is also part of the annual refresher of key policies. All employees will be asked to confirm that they have read and understood this policy.
- 4.2 If you do not follow this Policy, then we will take disciplinary action, which may result in dismissal.

5 Our Position on Bribery

- 5.1 The Council has a zero tolerance attitude towards bribery and corruption in all its forms and we are wholly committed to preventing those activities happening in our organisation. We will investigate any allegations of bribery that are brought to our attention and will take disciplinary action if the allegations are found to be true.
- 5.2 We are clear that all employees and everyone who provides services for us (contractors, suppliers and other agents) must not offer anyone any bribes or accept bribes themselves. We are also clear that using someone who is not an employee as a go between to arrange or accept bribes on your behalf is also unacceptable.
- 5.3 The Council is committed to preventing bribery. To help us do that, we have put the following steps in place:
- we have procedures in place to stop bribery;
 - we make all employees aware of their responsibilities through this Policy, supported by the Anti-Bribery Procedure and the Employee Code of Conduct;
 - all our employees get training so that they can recognise bribery and corruption and then take the correct action if they think it's happening;
 - we have included training on this policy as part of the induction process for all new starts;

- all employees are reminded of their responsibilities regarding bribery annually as part of the performance management process;
- all employees are encouraged to be on the lookout for bribery and corruption and report any concerns they have;
- we make sure that all employees are aware of our Whistleblowing Policy and understand that they can use that if they don't feel comfortable reporting bribery using this policy;
- we will investigate all allegations of bribery and assist the police or any other authority if it comes to a prosecution;
- we will take disciplinary action against any employee involved in bribery or any other corrupt activity;
- clauses covering the prevention of bribery will be included in both our employment contracts and our commercial contracts.

6 Our Anti-Bribery Procedure

- 6.1 In order to comply with the Act, we need to have adequate procedures in place to prevent bribery. Having adequate procedures means that we have a good defence against prosecution for offences linked to bribery.
- 6.2 In line with the Act and the guidance on how to draw up adequate procedures, our Procedure has been written in line with the six principles noted in 2.1 above and includes a tool for assessing and mitigating risk of bribery, and reflects these principles.

7 Employee Responsibilities

- 7.1 All employees must read and understand this Policy, the Anti-Bribery Procedure and the Employee Code of Conduct. This will be covered annually as part of the review of key policies.
- 7.2 All employees are responsible for reporting any bribery or other forms of corruption that they are aware is happening in the Council.

As part of this, they should do the following:

- comply with this policy;
- avoid any activity that breaches this Policy or could be seen as a breach of this Policy;
- speak to their manager **before** accepting gifts or hospitality;
- raise concerns about bribery as soon as they can, if they think that it's happening in the Council or is likely to happen.

For further information on raising concerns, please see Section 5 of the Employee Code of Conduct.

- 7.3 If employees have any doubt at all about circumstances that they find themselves in, they should speak to their manager to get advice.

8 How We Deal with Bribery

- 8.1 We will investigate all allegations that are made about bribery or corrupt practices.
- 8.2 We will take disciplinary action, if an investigation concludes that bribery or corrupt practices have taken place. This could result in dismissal.
- 8.3 We will contact the police if we think that criminal offences have been committed.
- 8.4 We will try to recover any losses we suffer as a result of bribery or corruption.

9 Gifts & Hospitality

- 9.1 You might be offered gifts or hospitality by third parties as part of your job. We ask all our colleagues to think about how offering a gift or hospitality or receiving gifts or hospitality could be perceived. If you are in any doubt, then speak to your line manager. More details about gifts and hospitality can be found in the procedure.
- 9.2 In some circumstances, in connection with your job, it may be appropriate for you to offer or receive gifts of low value or small tokens of gratitude. This could be merchandise or branded items which have been designed for the purpose of being given away such as pens, post-its, keyrings etc. Small gifts, such as sweets given to a team at Christmas, are also acceptable.
- 9.3 Other than these small gifts, all offers of gifts and hospitality should be recorded in your service area's register of gifts and hospitality. As part of this, you need to say whether you accepted or refused the gift or hospitality.

10 Review

- 10.1 This Policy will be reviewed by Human Resources in light of changing organisational needs and changes in anti-bribery legislation.

11 Local Agreement

- 11.1 This document is a local collective agreement between the Council and the recognised trade unions. Both parties will make every effort to make sure that this Policy is maintained as a local collective agreement, with any changes being agreed collectively. If we fail to reach agreement, then both parties reserve the right to terminate this local agreement by giving four months' notice in writing. If that happens, the terms of this local agreement will no longer apply to existing or future employees.