

Anti-Bribery Policy

Scope:	This policy applies to all employees, councillors, contractors, partners, suppliers, consultants, residents and service users of the council.
Effective Date:	October 2020
Review Date:	October 2021 (or sooner if there are changes to legislation)
Approval (Committee and Date):	TBC
Author:	Head of Resources
Policy Owned by:	Section 151 Officer
Statute:	Bribery Act 2010
National Standards and Guidance	Tackling Tax Evasion: Government Guidance for the corporate offences of failure to prevent the criminal facilitation of tax evasion (<i>HMRC</i>)
Related Policies	Anti-fraud and Corruption Policy Gifts and Hospitality Anti-money Laundering Policy Whistleblowing Policy Codes of Conduct for Employees and Members Contract Procedure Rules

1 Scope

- 1.1 This policy outlines the council's approach to bribery. It applies to all employees, councillors, contractors, partners, suppliers, consultants, volunteers, residents and service users of the council.
- 1.2 The policy applies to all council's activities, including its work with strategic partners, third parties, suppliers and others. In the case of partnership working, the council will seek to promote the adoption of this policy by its partners.

2 Background

- 2.1 The Bribery Act 2010 ('the Bribery Act') aims to promote anti-bribery practices amongst businesses. An organisation will commit a criminal offence under the Bribery Act if it fails to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business for the organisation.
- 2.2 An individual can also be guilty of an offence under the Bribery Act.
- 2.3 There are four key offences under the Act
 - Section 1 - Bribing another person
 - Section 2 - Taking a bribe
 - Section 6 - Bribing a foreign public official
 - Section 7 - Failing to prevent bribery.
- 2.4 Before the Bribery Act came into force organisations were only likely to be guilty of a bribery offence if senior management were involved. The Bribery Act however applies to all staff in the organisation, and now an organisation may be guilty of bribery if only the individual offender knew of the bribery.
- 2.5 An organisation will have a defence to the corporate offence if it can demonstrate that it had adequate procedures in place to prevent bribery by, or of, persons associated with the organisation.
- 2.6 An individual guilty of an offence under sections 1, 2 or 6 is liable:
 - On conviction in a magistrate's court - to imprisonment for a maximum term of 12 months, or to a fine not exceeding £5,000 or both
 - On conviction in a crown court - to imprisonment for a maximum term of 10 years or to an unlimited fine or both
- 2.7 Organisations are also liable for these fines, and if guilty of an offence under section 7, are liable to an unlimited fine.

3 Definition of Bribery

- 3.1 Bribery is an inducement or reward offered, promised, or provided, to gain personal, commercial, regulatory or contractual advantage.

4 Key Principles

- 4.1 The objective of the policy is to provide a coherent and consistent approach to all employees and any person who performs services for and on behalf of Welwyn Hatfield Borough Council (the Council), including contractors, subcontractors and volunteers on ensuring compliance with the Bribery Act.
- 4.2 It will enable employees, members, contractors and volunteers to understand their responsibilities and allow them to take the necessary action such as reporting any potential breaches of the policy.
- 4.3 The policy will form part of the Council's Anti-Fraud and Corruption Framework.
- 4.4 The Council is committed to preventing bribery and will not tolerate it in any of its activities.

5 Policy Statement

- 5.1 The Council is committed to countering bribery and corruption in all forms and will not tolerate it in any of its activities.
- 5.2 The Council does not, and will not, pay bribes or offer improper inducement to anyone for any purpose. Equally, the Council does not, and will not, accept any bribes or improper inducements or engage indirectly in or otherwise encourage bribery.
- 5.3 All staff and those working or performing any service on or on behalf of the Council will neither accept nor give bribes.
- 5.4 It is considered unacceptable to:
 - Give, promise to give, or offer payment, gifts 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 payment, gifts or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
 - Accept payment from a third party that is offered with the expectation that it will obtain business advantage for them, whether known or suspected;
 - Accept a gift or hospitality from a third party if it is offered or provided with an expectation that a business advantage will be provided by the Council in return, whether known or suspected;
 - Retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy; or
 - Engage in activity in breach of this policy.

6 Responsibilities

- 6.1 Prevention detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Council or under its control.
- 6.2 All staff, including third parties working or performing any service on or behalf of the Council, are to avoid activity that breaches this policy and must:
- Ensure that they read, understand and comply with the policy;
 - Raise concerns as soon as possible if they suspect that this policy has been breached;
 - Act honestly with integrity at all times to safeguard the Council’s resources for which they are responsible; and
 - Comply with the law (both in spirit and in the letter).
- 6.3 This policy is not meant to change the requirements of the Council’s Gifts and Hospitality Policy as set out in the Code of Conduct for Officers.

7 Identification and Notification Regarding Bribery

- 7.1 Concerns regarding bribery must be raised with the Councils Section 151 Officer as soon as practicably possible if there is a suspicion that this policy has been breached. They can be contacted using antifraud@welhat.gov.uk or at Welwyn Hatfield Borough Council, The Campus, Welwyn Garden City, Herts, AL8 6AE.

8 Sanctions

- 8.1 Staff who breach this policy may face disciplinary action, which could result in dismissal for misconduct or gross misconduct.
- 8.2 Under the Public Contracts Regulations 2015 contracting authorities shall exclude a bidder from participation in a procurement where they have established that supplier has been convicted of certain offences, including bribery. This is tested during all relevant procurements and the relevant action taken.

9 Version History

Version no.	1.0	Date effective:	October 2020
Full / partial review?	Full		
Brief summary of changes:	Fundamental review of policy		
Staff consultation (teams):	Legal Governance Client Services Procurement Human Resources Finance/Payroll Trade Unions		
Resident consultation:	N/A		

Approved By Cabinet / Council:	TBC
Author:	Richard Baker, Head of Resources