



Internal Ref:	NEL 14.410
Review date	January 2025
Version No.	V2.4

Anti Bribery Policy

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1. Introduction

1.1. The Bribery Act 2010 introduced specific criminal offences in relation to bribery. The key offences are:

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

1.2. The Act broadly defines bribery as the giving or receiving of a financial or other advantage in connection with the 'improper performance' of a position of trust or of a function that is expected to be performed impartially or in good faith

1.3. North East Lincolnshire Council will not offer bribes or any other improper inducements to anyone for any purpose, nor will they accept bribes or improper inducements.

1.4. This policy applies to all of the council's activities and employees. Employees include but are not limited to those who are directly employed, agency staff, contractors, non-executives, agents, Members (including independent members), volunteers and consultants.

1.5. For partners and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.

1.6. This policy does not change the requirements of the Council's gifts and hospitality policy.

2. Corporate responsibilities

2.1. Under section 7 of the Bribery Act, commercial organisations can be found guilty of an offence by failing 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.

2.2. An organisation found guilty of an offence under section 7 is liable to an unlimited fine.

2.3. For the purposes of the section 7 of Bribery Act, North East Lincolnshire Council is a 'commercial organisation' and may be liable to prosecution if it fails to prevent bribery. Therefore, the Council must be able to demonstrate that it has adequate procedures to prevent bribery.

2.4. Whether the procedures are adequate will ultimately be a matter for the courts to decide on a case-by-case basis. It is for individual organisations to determine what procedures are required based on the level of risk of bribery in the organisation. Guidance issued by the Ministry of Justice provided six principles to consider in implementing adequate procedures. The council continues to be committed to the proportionate implementation of these principles.

2.5. The Council addresses these principles to comply with the Bribery Act as follows:

2.6. Proportionate procedures

2.7. The council ensures that its procedures to prevent bribery are proportionate to the bribery risks it faces and to the nature, scale and complexity of its activities. It ensures that they are clear, practical, accessible, effectively implemented and enforced.

2.8. Top Level Commitment

2.9. Both Cabinet and Senior Leadership Team are committed to preventing bribery by persons associated with the council. They will continue to foster a culture within the council in which bribery is never acceptable.

2.10. The council has a strong Counter Fraud Strategy that is regularly reviewed, approved by the Audit and Governance Committee and endorsed by the Leader of the Council and Chief Executive. It contains a clear and unambiguous message that the council will not tolerate fraud and corruption.

2.11. Risk Assessment

2.12. The Council assesses the nature and extent of its exposure to potential external and internal risks of bribery on a periodic basis. It is assessed on both financial risk and reputation risk.

2.13. Due Diligence

2.14. The council applies due diligence procedures, taking a proportionate and risk-based approach, in respect of persons who perform or will perform

services for or on behalf of the organisation, in order to mitigate identified bribery risks.

2.15. Communication and training

2.16. The council seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the council through internal and external communication, including training and e-learning that is proportionate to the risks it faces.

2.17. Monitoring and review

2.18. The council monitors and review its procedures designed to prevent bribery and will make improvements where necessary.

3. Employee and Member responsibilities

3.1. Bribery is not tolerated by the council. All employees and Members are required to act honestly and with integrity at all times and to safeguard the organisation's resources for which they are responsible.

3.2. Employees and Members must 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.

3.3. Employees and Members must:

- ensure that they have read, understood and comply with this policy
- 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.

3.4. Employees and Members must **not**:

- 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
- Accept facilitation payments (unofficial payments to public officials) in order to secure or expedite actions

3.5. 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

3.6. As well as the possibility of civil and criminal prosecution, employees and Members that breach this policy will face disciplinary action, which could result in dismissal for gross misconduct.

4. Reporting a concern

4.1. 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. All employees and Members are required to report activity that breaches (or may breach) this policy.

4.2. Employees are often the first to realise that there is something seriously wrong within the council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. Members and employees should never ignore such suspicions and instead make a referral under the 'Reporting a Concern Policy'.

4.3. The Reporting a Concern Policy is intended to encourage and enable staff to raise serious concerns within the Council rather than overlooking a problem, informing the media or other external bodies. The Reporting a Concern Policy can be viewed on the Council website.

NELC Anti Bribery & Corruption Policy January 2022

BACKGROUND INFORMATION	
Document Purpose	A policy statement on the council's approach to Bribery, and the roles of responsibilities of Members and officers in relation to the operation of this policy
Author	Mark Edwards
Last Review and Publication Date	January 2022
Target Audience	Council Wide
Subject	Anti Bribery
Reference and Version	NELC 14.410 v2.4
For Further Copies Email	Mark.Edwards@nelincs.gov.uk
Location of Published Copy	NELC website
Copyright	North East Lincolnshire council
Impact Assessment (inc E&D) done?	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
IA Action Plan with Recommendations Produced	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>