

# Anti-Bribery Policy



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The key contacts in connection with this Policy are:

**Muir Laurie**

Deputy Director of Exchequer & Business Assurance Services (Acting)

t: 01895 556132

e: [mlaurie@hillingsdon.gov.uk](mailto:mlaurie@hillingsdon.gov.uk)

**Raj Alagh**

Borough Solicitor and Monitoring Officer

t: 01895 250617

e: [ralagh@hillingsdon.gov.uk](mailto:ralagh@hillingsdon.gov.uk)

**Version Control:**

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0.1	14 Dec 2018	Initial draft	Zac O'Neil
0.2	17 Dec 2018	Revised draft	Muir Laurie
0.3	11 Jan 2019	Revised draft	Raj Alagh
0.4	21 Jan 2019	Revised draft	Muir Laurie

## 1. Introduction

- 1.1 The London Borough of Hillingdon recognises that, as a public body and provider of essential public services, its elected officials and officers are at risk of being bribed and/or induced in relation to these services. As such the Council seeks to actively prevent bribery by identifying bribery risk, implementing measures to minimise and control this risk, and ensuring compliance with all relevant legal requirements.
- 1.2 This **Anti-Bribery Policy** is in line with the Counter Fraud Strategic Plan, setting out the procedures to be followed to enable the Council to manage bribery risk and comply with its legal obligation to prevent bribery.
- 1.3 Instances of alleged bribery will be investigated robustly and the Council will assist other authorities and agencies, i.e. the Police, with any resultant prosecution.
- 1.4 In its response to bribery, the Council will be guided by the [Ministry of Justice Guidance](#) on the Bribery Act 2010. Although the Council is not a commercial organisation within the meaning of the Act, it will treat the guidance as good practice in terms of the principles for preventing bribery.
- 1.5 Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. The Council extends such automatic barring to any organisations convicted of an offence under the Bribery Act 2010.
- 1.6 This Policy applies to all Council staff - permanent, temporary, agency, contractors, executives, agents, Members, volunteers and consultants. All have a responsibility to be alert to the risk of bribery and report suspicions or incidents where appropriate.

## 2. What is Bribery?

- 2.1 Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage. It is bribery to accept or request a bribe or inducement in return for providing an improper gain or advantage to another person or organisation.
- 2.2 Bribery is a criminal offence under the Bribery Act 2010. The Council does not offer, nor does it accept any offers, bribes or improper inducements.
- 2.3 For further practical examples of what can amount to bribery, please refer to **Appendix A**.

## 3. Reporting Incidents and Suspicions

- 3.1 Any concerns that a bribe or inducement is being offered, or that a member of staff has accepted or requested a bribe or inducement, must be reported via line management and/or relevant Head of Service or Department, who must report it via the methods below.
- 3.2 If the concern relates to the line manager, then it can be reported directly via one of the options below (as per the Council's [Whistleblowing Policy](#)):
  - **In person:** Deputy Director of Exchequer & Business Assurance Services (Acting), t: 01895 556132 (ext: 6132) or Raj Alagh, Borough Solicitor & Monitoring Officer t: 01895 250617 (ext: 0617).
  - **24 hour hotline:** freephone number 0800 389 8313; or
  - **Email:** [fraud@hillingdon.gov.uk](mailto:fraud@hillingdon.gov.uk); or

- **Write to:** Deputy Director of Exchequer & Business Assurance Services (Acting) or Borough Solicitor at Civic Centre, High Street, Uxbridge, UB8 1UW (envelopes should be marked '**Private & Confidential**').

#### 4. Staff Responsibilities

- 4.1 All suspicions that an offer of a bribe or inducement is being made, accepted or requested, in relation to the work or services of the Council, must immediately be reported as per section 3 of this policy.
- 4.2 Any report which falls within the scope of a 'protected disclosure' under the Whistleblowing Policy will be treated accordingly.
- 4.3 Failure by a member of staff to comply with the requirements of this Policy may lead to disciplinary action being taken against them. Any disciplinary action will be dealt with in accordance with the [Council's Disciplinary Policy and Procedure](#).

#### 5. Gifts, Hospitality and Facilitation Payments

- 5.1 This policy is not intended to change the requirements of our [Gifts and Hospitality Policy](#).
- 5.2 Facilitation payments intended to secure or expedite routine or necessary government action by a public official are included within the definition of bribery. A facilitation payment includes a payment to a public official to do his/her job properly as well as payment to do his/her job improperly.

#### 6. Other Relevant Policies

- 6.1 Other relevant Council policies etc include:
  - [Counter Fraud Strategic Plan](#);
  - [Whistleblowing Policy](#);
  - [Surveillance Policy](#);
  - [Corporate Investigations Protocol](#);
  - [Anti-Money Laundering Policy](#); and
  - [Sanctions and Prosecution Policy](#).

#### 7. Review Cycle of the Anti-Bribery Policy

- 7.1 The Council's Anti-Bribery Policy will be updated periodically (as and when required) and be subject to a detailed review every 3 years to ensure it is up to date with best practice in this area. The next detailed review is planned for December 2021.

Muir Laurie

**Deputy Director of Exchequer & Business Assurance Services (Acting)**

Raj Alagh

**Borough Solicitor and Monitoring Officer**

### What can Amount to Bribery?

Typically, bribery is to:

- Give, promise or 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 routing 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 the Council 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; and
- Bribery also covers facilitation payments which are the unofficial payments made to public officials in order to secure or expedite actions. They are illegal and the Council does not tolerate any such payments. Actions can include, but are not limited to:
  - Awarding contracts;
  - Making appointments to temporary or permanent positions;
  - awarding of benefits and concessions;
  - Determining eligibility to receive services; and
  - Approval of applications under regulations.