



ANTI-BRIBERY POLICY

| | |
|-----------------------------|---|
| Author: | Paul Caulcutt, Head of Internal Audit |
| Director: | Sandra Cole, Director of Finance and Governance |
| Approved By: | Policy and Governance Committee |
| Date Approved: | 4 April 2023 |
| Responsible Officer: | Paul Caulcutt, Head of Internal Audit |
| File Ref.: | FI/AUD/04 |
| Version: | 4.0 |
| Review Date: | March 2023 |
| Next Review Date: | March 2026 |

ANTI-BRIBERY POLICY

Contents

| | | |
|-----|--|----|
| 1 | INTRODUCTION..... | 2 |
| 1.1 | Policy Statement: Anti-Bribery | 2 |
| 1.2 | Objective of this Policy | 2 |
| 2 | SCOPE..... | 2 |
| 2.1 | Scope of this Policy..... | 2 |
| 2.2 | The Council's commitment to action..... | 3 |
| 2.3 | Implementation / Compliance..... | 3 |
| 3 | EVALUATION AND REVIEW | 3 |
| 4 | CONSULTATION, SCREENING AND EQUALITY IMPACT ASSESSMENT | 4 |
| 4.1 | Consultation with Stakeholders..... | 4 |
| 4.2 | Screening and Equality Impact Assessment | 4 |
| 4.3 | Data Protection Impact Assessment | 4 |
| 5 | ANTI-BRIBERY POLICY..... | 5 |
| 5.1 | Bribery..... | 5 |
| 5.2 | Anti-Bribery Procedures | 5 |
| 5.3 | Penalties | 6 |
| 5.4 | Bribery is not tolerated..... | 6 |
| 5.5 | Facilitation payments..... | 6 |
| 5.6 | Gifts and hospitality..... | 6 |
| 5.7 | Employees' responsibilities | 7 |
| 5.8 | Raising a concern..... | 7 |
| 5.9 | Other relevant policies | 7 |
| | Appendix 1 – Bribery Act 2010..... | 8 |
| | Appendix 2 – Bribery Risk Assessment Template | 9 |
| | Appendix 3 – Version Log | 12 |

ANTI-BRIBERY POLICY

1 INTRODUCTION

1.1 Policy Statement: Anti-Bribery

Bribery is a criminal offence. We do not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor do we or will we, accept bribes or improper inducements such as gifts or hospitality.

To use a third party as a conduit to channel bribes to others is a criminal offence. We do not, and will not, engage indirectly in or otherwise encourage bribery.

We are committed to the prevention, deterrence and detection of bribery. We have zero-tolerance towards bribery. We aim to maintain anti-bribery compliance “business as usual”, rather than as a one-off exercise.

1.2 Objective of this Policy

This policy provides a coherent and consistent framework to enable the Council's employees to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable employees to identify and effectively report a potential breach.

We require that all employees, including those permanently employed, temporary agency employees and contractors:

- act honestly and with integrity at all times and to safeguard the Council's resources for which they are responsible;
- 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.

2 SCOPE

2.1 Scope of this Policy

This policy applies to all of the Council's activities. For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.

Within the Council, the responsibility to control the risk of bribery occurring resides at all levels of the organisation. It does not rest solely within assurance functions, but in all sections within Council.

This policy covers all employees, including all levels and grades, those permanently employed, temporary agency employees, casual employees, contractors, non-

ANTI-BRIBERY POLICY

executives, agents, Members (including independent members), volunteers and consultants.

2.2 The Council's commitment to action

The Council commits to:

- Setting out a clear anti-bribery policy and keeping it up to date
- Making all employees aware of their responsibilities to adhere strictly to this policy at all times
- Training all employees so that they can recognise and avoid the use of bribery by themselves and others
- Encouraging its employees to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately
- Rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution
- Taking firm and vigorous action against any individual(s) involved in bribery
- Provide information to all employees to report breaches and suspected breaches of this policy
- Include appropriate clauses in contracts to prevent bribery.

2.3 Implementation / Compliance

The Anti-Bribery processes should be an integral part of management and decision making and integrated into the structure, operations and processes of the Council.

The Policy will be reviewed and approved by the Policy and Governance Committee, with its implementation monitored through the Corporate Leadership Team and the Audit and Risk Committee.

3 EVALUATION AND REVIEW

The Policy will be reviewed regularly to ensure its effectiveness and applicability.

ANTI-BRIBERY POLICY

4 CONSULTATION, SCREENING AND EQUALITY IMPACT ASSESSMENT

4.1 Consultation with Stakeholders

The Anti-Bribery Policy has been in place since the inception of Antrim and Newtownabbey Borough Council, and has been reviewed and updated periodically to take into account changes in guidance and best practice.

The Corporate Leadership Team has been consulted with in the development and revision of the Policy. On approval, the Policy will be provided to the Audit and Risk Committee.

4.2 Screening and Equality Impact Assessment

Section 75 of the Northern Ireland Act 1998 (the Act) requires Antrim and Newtownabbey Borough Council to comply with two statutory duties:

(1) Section 75 (1)

In carrying out our functions relating to Northern Ireland we are required to have due regard to the need to promote equality of opportunity between:

- Persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- Men and women generally;
- Persons with a disability and persons without;
- Persons with dependents and persons without.

(2) Section 75 (2)

In addition, without prejudice to the obligations above, in carrying out our functions in relation to Northern Ireland we are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

This Policy has been screened for the need for an Equality Impact Assessment (EQIA). An EQIA is not recommended.

4.3 Data Protection Impact Assessment

If there is a chance that a new type of processing (especially when using new technologies) may cause a high risk to the rights and freedoms of individuals, the Council may need to carry out a Data Protection Impact Assessment (DPIA).

A DPIA was not considered relevant to this Policy.

5 ANTI-BRIBERY POLICY

5.1 Bribery

Is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

5.2 Anti-Bribery Procedures

The Council's procedures cover six principles:-

Proportionality

The Council has procedures in place to prevent bribery by persons associated with it. These are proportionate to the bribery risks faced by the Council and to the nature, scale and complexity of the Council's activities. They are also clear, practical, accessible, effectively implemented and enforced.

Top level commitment

The Chief Executive and Directors are committed to preventing bribery by persons associated with it. They foster a culture within the organisation in which bribery is never acceptable through an effective corporate governance framework.

Risk Assessment

The nature and extent of the Council's exposure to potential external and internal risks of bribery on its behalf by persons associated with it is periodically assessed. This includes financial risks but also other risks such as reputational damage. See [Appendix 1](#) for Bribery Risk Assessment template.

Due diligence

The Council takes 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.

Communication (including training)

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

Monitoring and review

Procedures designed to prevent bribery are monitored and reviewed and improvements are made where necessary.

ANTI-BRIBERY POLICY

5.3 Penalties

An individual guilty of an offence under sections 1, 2 or 6 of the Bribery Act 2010, is liable:

- On conviction in a magistrates court, to imprisonment for a maximum term of 6 months (twelve months in England and Wales), 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.

The Council, if convicted under sections 1, 2 or 6 of the Bribery Act 2010 will also face the same level of fines and, if guilty of an offence under section 7, is liable to an unlimited fine.

5.4 Bribery is not tolerated

It is unacceptable 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.

5.5 Facilitation payments

Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

5.6 Gifts and hospitality

The Council's policy regarding the requirements for gifts and hospitality is set out within the Employee Code of Conduct and the Council's Financial Regulations. It is

ANTI-BRIBERY POLICY

important to note that there may be a perceived conflict of interest in accepting gifts or hospitality which can constitute bribery in some instances.

5.7 Employees' responsibilities

The 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. All employees are required to avoid activity that breaches this policy.

You must:

- ensure that you read, understand and comply with this policy; and
- raise concerns as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.

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

5.8 Raising a concern

The Council is committed to ensuring that all of us have a safe, reliable, and confidential way of reporting wrongdoing. We want each and every employee to know how they can raise concerns.

We all have a responsibility to help detect, prevent and report instances of bribery. If you have a concern regarding a suspected instance of bribery or corruption, please speak up – your information and assistance will help. The sooner you act, the sooner it can be resolved.

Please refer to the Council's Raising Concerns Policy available on NETconsent and i-Connect.

Concerns can be anonymous. In the event that an incident of bribery, corruption, or wrongdoing is reported, we will act as soon as possible to evaluate the situation. We have clearly defined procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind.

If you have any questions about these procedures, please contact the Director of Finance and Governance or the Head of Internal Audit.

5.9 Other relevant policies

Anti-Fraud & Corruption Policy

Raising Concerns Policy

Code of Conduct for Local Government Employees

Financial Regulations

ANTI-BRIBERY POLICY

Appendix 1 – Bribery Act 2010

There are four key offences under the Act:

- bribery of another person (section 1)
- accepting a bribe (section 2)
- bribing a foreign official (section 6)
- failing to prevent bribery (section 7)

The Bribery Act 2010 makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business.

There is also a corporate offence under Section 7 of failure by a “commercial organisation” to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. This is what is known as a “strict liability” offence. This means that there is no need to prove negligence or management complicity. 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.

The guidance states that a “commercial organisation” is any body formed in the United Kingdom and “...it does not matter if it pursues primarily charitable or educational aims or purely public functions. It will be caught if it engages in commercial activities, irrespective of the purpose for which profits are made.” There are circumstances in which the Council will be a commercial organisation for the purposes of section 7. This policy is intended to ensure that we have in place the necessary procedures to act as a defence to a section 7 offence.

The Bribery Act 2010 can be found using the following link:

http://www.opsi.gov.uk/acts/acts2010/ukpga_20100023_en_1

ANTI-BRIBERY POLICY

Appendix 2 – Bribery Risk Assessment Template

| BRIBERY RISK ASSESSMENT FORM | | |
|--|---|--------------|
| Consider each question, then rate the degree of risk and insert the score in the right-hand column. Add each score to determine the Company's potential risk / exposure to bribery | | |
| Score 1 = Low Risk, 2 = Some Risk, 3 = Medium Risk, 4 = High Risk, 5 = Very High Risk | | Score |
| 1. Sector Risk | | |
| 1.1 | Is activity within the section within an industry sector at risk of bribery practices? For example: | |
| | <ul style="list-style-type: none"> • large-scale infrastructure such as transport or public projects; • oil/gas/mining industries; or • construction/property development. | |
| | | |
| | If yes, give high score. | |
| 2. Transaction Risk | | |
| 2.1 | Does transactions within the section include charitable donations or grant funding? If yes, give high score. | |
| 2.2 | Does transactions within the section include political donations? If yes, give high score. | |
| 2.3 | Does transactions within the section involve the issuing of licences, permits, approvals or purchases below the tender threshold? If yes, give high score. | |
| 3. Opportunity Risk | | |
| 3.1 | Does activity within the section involve a number of contractors or associated parties? If yes, give high score. | |
| 3.2 | Does the activity within the section involve below-market prices? If yes, give high score. | |
| 3.3 | Does activity within the section involve any tendering exercises? If yes, give high score. | |
| 4. Partnership Risk | | |
| 4.1 | Will activity within the section involve the potential use of intermediaries in transactions with foreign public officials? If yes, give high score. | |
| 4.2 | Is there a risk of relationships with politically sensitive persons where the proposed relationship involves or is linked to prominent public officials? If yes, give high score. | |

ANTI-BRIBERY POLICY

| 5. Perceived Pressure at Work | | |
|--|--|--|
| 5.1 | How many employees are within the section? Score - | |
| | <ul style="list-style-type: none"> • 1 point for 1 to 10 employees • 2 points for 11 to 30 employees • 3 points for 31 to 99 employees • 4 points for 100 to 199 employees • 5 points for 200 or more employees | |
| | | |
| | | |
| | | |
| 5.2 | What is the section's annual budget (including capital spend)? Score - | |
| | <ul style="list-style-type: none"> • 1 point for up to £500,000 • 2 points for up to £1m • 3 points for up to £2m • 4 points for up to £3m • 5 points for more than £3m | |
| | | |
| | | |
| | | |
| 5.3 | Are you aware if there is a robust and clear anti-bribery policy in place within the organisation? If no, score high. | |
| 5.4 | Has the organisation's anti-bribery policy been communicated at all relevant levels within your section? If no, score high. | |
| 5.5 | Are you aware if there is a senior manager appointed to take responsibility for all anti-bribery measures within the organisation? If no, score high. | |
| 5.6 | In your opinion are there robust internal financial controls in place to monitor all payments and transactions within your section? If no, score high. | |
| 5.7 | In your opinion are there clear policies in place in relation to hospitality, entertainment, promotional expenditure and expenses? If no, score high. | |
| 6. Please list the potential anti-bribery risks to your section and control measures in place to reduce these risks (if numerous risks and few controls, score high): | | |
| Risk | A client, service user or member of the public, bribes an employee to secure preferential treatment/turn a blind eye etc. | |
| Ctrl | AB policy, and relevant staff training, codes of conduct, professionalism. | |
| Risk | A tenderer for a contract colludes with a member of staff to gain advantage in a competition for a contract, or bribes an employee for information to enable them to secure a contract. | |
| Ctrl | Financial regulations, AB policy, tendering procedures, automatic system controls | |
| Risk | A supplier bribes an employee to obtain orders from the authority for goods or services or to over order, process fictitious invoices etc. | |
| Ctrl | Financial regulations, AB policy, annual tender list. Purchase ordering system requiring authorisation by another member of staff. Electronic. AB included on all new conditions of contracts. | |

ANTI-BRIBERY POLICY

| | | |
|---|---|----------|
| Act | Amendment to electronic purchase orders directing to t&c's of purchasing/procurement to include anti-bribery. PR requested to add Anti-Bribery Policy link to T&C's on website that is directed from purchase orders. | |
| Risk | Gifts and Hospitality from suppliers to employees or Members may have an ulterior motive or be perceived as a bribe. | |
| Ctrl | Gifts and hospitality policy, employee handbook, register of interests, code of conduct. | |
| Risk | Employees may be bribed to provide unauthorised access to computer systems for fraudulent use | |
| Ctrl | Code of conduct, AB policy | |
| Total score (out of a possible 90) | | 0 |

Bribery Risk Score Definitions

A score of 18 to 30 indicates a low risk of bribery.

As there is a low risk on the basis of the risk factors identified above, steps have been taken to ensure that there are adequate procedures in place to counter bribery. This includes a written policy that is available to all employees, regular audits of key financial processes, including expenses and hospitality. The section will keep its risk assessment under review and take appropriate steps should a bribery risk emerge.

A score of 31 to 60 indicates a medium risk of bribery.

A full anti-bribery policy is in place and training rolled out. The Council has zero tolerance towards bribery and Senior Management are committed to ensure full engagement and compliance. There are clear reporting mechanisms in place so that suspected bribery will be immediately dealt with. Specific high-risk areas identified above will be dealt with and monitored at the highest levels but are inherent to the nature of the section. The section will keep its risk assessment under review and take appropriate steps should a bribery risk emerge.

A score greater than 61 indicates a high risk of bribery.

A full anti-bribery policy is in place and training rolled out. The Council has zero tolerance towards bribery and Senior Management are committed to ensure full engagement and compliance. There are clear reporting mechanisms in place so that suspected bribery will be immediately dealt with. High-risk areas identified will be dealt with and monitored at the highest levels but are inherent to the nature of the section. The section will keep its risk assessment under review and take appropriate steps should a bribery risk emerge.

ANTI-BRIBERY POLICY

Appendix 3 – Version Log

| Doc. Ref.: | | Anti-Bribery Policy | |
|----------------------------|-------------|------------------------|---|
| Department/Section: | | Finance and Governance | |
| Version: | | 3.1 | |
| Date: | | March 2023 | |
| Version | Date | Author | Changes |
| 1.0 | March 2015 | Paul Caulcutt | |
| 2.0 | March 2019 | Paul Caulcutt | <ul style="list-style-type: none"> - Minor wording amendments. - Inclusion of Bribery Risk Score definitions within Appendix 2. |
| 3.0 | March 2021 | Paul Caulcutt | Minor amendments to reflect the Council's New Raising Concerns Policy. |
| 3.1 | March 2023 | Paul Caulcutt | Review and update of Policy including reformatting document to be compliant with the Policy Framework. |