

**Anti-Bribery Policy**

**Approved on :**

**Minute Reference:**

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**Anti-Bribery Policy**

1. **Why does the Council have an Anti-Bribery Policy?**

The Bribery Act came into force on 1st July 2012. This policy offers a guide to what you need to know about the Act and the procedures that are in place to prevent bribery.

This policy should be read in conjunction with our Counter Fraud and Raising Concerns policies. In summary, if you have a concern about a suspected instance of bribery, please use the mechanisms contained within the Raising Concerns policy to speak up.

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

Bribery is a criminal offence. Derry City & Strabane District Council does not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor will the Council accept bribes or improper inducements such as lavish gifts or hospitality.

Derry City & Strabane District Council is committed to the prevention, deterrence and detection of bribery. The Council has a zero-tolerance towards bribery and aims to maintain anti-bribery compliance ‘business as usual’ rather than as a one-off exercise.

To use a third party as a conduit to channel bribes to others is a criminal offence. Derry City & Strabane District Council does not, and will not engage indirectly in or otherwise encourage bribery.

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.

The Council requires all employees, including those permanently employed, temporary agency employees and contractors to:

* Act honestly and with integrity at all times and to safeguard the Council’s resources for which they are responsible; and
* 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.

1. **What is the Council committed to doing?**

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 relevant employees so that they can recognise and avoid the use of bribery by themselves and others.
* Encouraging 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 prosecutions.
* Taking firm and vigorous action against any individual(s) involved in bribery.
* Providing information to all employees to report breaches and suspected breaches of this policy.
* Including appropriate clauses in contracts to prevent bribery.

1. **Bribery is not tolerated - what is unacceptable?**

In simple terms, bribery is not tolerated. The Council’s Policy on Gifts and Hospitality must be adhered to at all times. It is important to note that the acceptance of gifts or hospitality can constitute bribery in some instances.

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

1. **Who does the Anti-Bribery policy apply to?**

This policy applies to all Council employees (temporary, permanent, part time, full time and previous) and any agency staff, volunteers or consultants undertaking Council work. It also applies to third parties, those contractors working for the Council on Council premises and suppliers and service users.

1. **What do I need to do?**

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.

All employees must ensure that:

* They read, understand and comply with this policy; and
* 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.

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.

1. **What if I have a concern about suspected bribery?**

The Council is committed to ensuring that all employees and third parties have a safe, reliable and confidential way of reporting any suspicious activity; and wants each and every employee and third party to know how they can raise concerns.

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, Counter Fraud Policy and Local Government Model Complaints Handling Policy which are all available on the Councils website.

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

Any queries about these procedures can be raised with the Lead Assurance Officer, Assurance Manager or Internal Audit Manager.

1. **Communication, Support and Training**

All Council workers, agency staff, contractors and consultants will have access to this policy. A copy of the policy will be available on the Council’s intranet site for review by staff and on the Councils website for review by third parties. If further information or support is required in relation to the policy, please contact the Lead Assurance Officer, Assurance Manager or Internal Audit Manager for advice and guidance. Training and awareness of this policy is included as part of the Council’s Fraud Awareness Training programme.

1. **Monitoring, Review and Evaluation?**

This policy will be reviewed again in June 2029 or sooner if there are any legislation changes required or as a result of new guidance. If there are any updates to the policy to reflect legislative changes or new best practice then the updated policy will be presented to the Assurance, Audit and Risk Committee for review and approval.

**Appendices**

**Appendix 1 – Our Six Bribery Principles**

Anti-Bribery guidance focuses on six high level principles and advocates a risk based, proportionate and common sense approach to the design of policy and procedures. This policy covers the 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 the 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 risks such as reputational damage.

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 proportional to the risks it faces.

Monitoring and Review

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

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| **Document Number** | A unique identifier will be assigned to an approved policy. |
| **Responsible Officer** | Lead Assurance Officer |
| **Contact Officer** | Denise McDonnell  Telephone: (028 71) 253 253 Ext 6605  Email: denise.mcdonnell@derrystrabane.com |
| **Approval** | Assurance, Audit and Risk Committee  Date of full Council meeting at which policy approval was ratified. |
| **Effective Date** |  |
| **Modifications** | N/A |
| **Superseded Documents** | Counter Fraud, Raising Concerns and Anti-Bribery Policy, approved December 2020. |
| **Review Date** | This policy will be reviewed again in June 2029 or sooner if there are any legislation changes required or as a result of new guidance. If there are any updates to the policy to reflect legislative changes or new best practice then the updated policy will be presented to the Assurance, Audit and Risk Committee for review and approval. |
| **File Number** |  |
| **Associated Documents** |  |

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**This information is available upon request in a number of formats including large print, Braille, PDF, audio formats (CD, MP3, DAISY) and minority languages.**

**For further information on alternative formats please contact**

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