

# Anti-Bribery Policy



Reviewed and updated: February 2024  
Next review due: 2027

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## 1.0 INTRODUCTION

1.1 Leeds City Council is committed to the highest standards of integrity, honesty and openness, and expects the highest standards of conduct from its employees, contractors and elected Members. All employees, contractors and elected Members are expected to abide by their respective codes of conduct and act in accordance with the Council's values and behaviours to work collectively to achieve the objectives set out in the Best City Ambition.

1.2 Bribery is a criminal offence for which the Council has zero tolerance, and the Council is committed to the prevention, deterrence, and detection of bribery in all areas of their activities. The Council does not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor accept bribes or improper inducements. To use a third party as a conduit to channel bribes to others is a criminal offence and the Council does not, and will not, engage indirectly in or otherwise encourage bribery.

## 2.0 SCOPE OF THE POLICY

2.1 To help protect the Council against the offence of bribery it is important that everyone within 'Team Leeds' understands what offences constitute as bribery, the law surrounding this and the arrangements in place within the Council to mitigate the risk and enable compliance. In conjunction with related Council policies and key documents it will also enable the identification and effective reporting of a potential breach.

2.2 This policy will:

- Demonstrate the Council's commitment to tackling bribery and corruption.
- Make all staff aware of their responsibilities to adhere strictly to this policy at all times.
- Encourage everyone to be vigilant and provide details of how to report any suspicions of bribery.
- Offer reassurance that the Council will treat all allegations of bribery seriously and investigate as appropriate, assisting police and other appropriate authorities in any resultant prosecution.
- Confirm that the Council has a zero-tolerance stance and will take action against any individual(s) involved in bribery.

2.3 The responsibility to control the risk of bribery occurring resides at all levels of the Council and not solely within assurance functions. It is everyone's responsibility to be open, honest and trusted in line with the core values and expected behaviours of the Council, in line with the code of conduct. It is also imperative that we act with integrity, protect public funds and spend money wisely.

This policy applies to all staff (permanent, temporary, agency), contractors/suppliers, elected members (including independent members), volunteers and consultants and anyone associated with the Council.

### **3.0 WHAT IS BRIBERY?**

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

#### **The Bribery Act 2010 (the “Act”)**

3.2 There are four key offences under the Act:

- bribery of another person – offer, promise, or give a bribe (section 1)
- accepting a bribe – request, agree to receive, or accept a bribe (section 2)
- bribing, planning to bribe a foreign public official – with the intention of obtaining or retaining business or an advantage in the conduct of business (section 6)
- failing to prevent bribery – corporate offence 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 (section 7)

3.3 An organisation will have a defence to failing to prevent bribery if it can show that it has in place adequate procedures designed to prevent bribery by, or of, persons associated with the organisation.

#### **Other relevant legislation**

3.4 The Criminal Finance Act 2017: This gives law enforcement agencies and partners, further capabilities, and powers to recover the proceeds of crime, tackle money laundering, tax evasion and corruption, and combat the financing of terrorism.

3.5 The Serious Crime Act 2015: The Serious Crime Act gives effect to a number of proposals set out in the Serious and Organised Crime Strategy. It builds on current criminal and civil law to ensure that the relevant bodies can effectively and relentlessly pursue, disrupt, and bring to justice serious and organised criminals.

### **4.0 Six principles of the Bribery Act**

4.1 The procedures put in place by an organisation to prevent bribery should be informed by six principles.

4.2 Principle 1 - Proportionate procedures

Adequate procedures need to be applied proportionately, based on the level of risk of bribery in the organisation.

The Council has a range of policies and procedures in place which are proportionate to the level of risk it faces. The employee code of conduct and members codes of conduct set out the expected behaviours. These are supported by the gifts and hospitality policy and procedure and the employee outside interest policy. The council has a suite of counter fraud and corruption policies in place. This policy forms part of this framework along with the whistleblowing policy for reporting concerns of wrongdoing. The council has considered the risks posed in high-risk areas and has procedures in place to manage the risks. For example, as part of the procurement process.

#### 4.3 Principle 2 - Top level commitment

The council fosters a culture in which bribery is never acceptable. The commitment by top level management is demonstrated through the endorsement of the counter fraud, bribery and corruption strategy and fraud awareness training (which includes bribery) by the Chief Executive. The chair of the corporate governance and audit committee is also the counter fraud champion who supports regular fraud and corruption communication.

#### 4.4 Principle 3 - Risk Assessment

The Council assesses the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it through risk management arrangements. Bribery is incorporated in the Fraud and Corruption risk of the Strategy and Resources risk register and is regularly reviewed. It includes financial risks but also other risks such as reputational damage.

#### 4.5 Principle 4 - Due diligence

The council applies due diligence procedures where appropriate, taking a proportionate and risk-based approach, in respect of persons who perform or will perform services for or on behalf of the Council, to mitigate identified bribery risks. Due diligence forms part of the councils Contracts Procedure Rules. These set out the key responsibilities and actions staff must take when procuring goods or services to ensure a fair and transparent process for all.

#### 4.6 Principle 5 – Communication (including training)

The Council seeks to raise awareness of the policies and procedures in place to prevent bribery and corruption through the fraud awareness training available on the Performance and Learning System (PALS). Regular internal communication also takes place. The Council's stance on bribery and corruption is communicated

externally on the council's website through the counter fraud and corruption strategy and fraud response plan.

#### 4.7 Principle 6 - Monitoring and review

The Council monitors and reviews procedures designed to prevent bribery by persons associated with it and makes improvements where necessary.

### 5.0 PROSECUTION

5.1 The Director of Public Prosecutions and the Director of the Serious Fraud Office must give personal consent to a prosecution under the Act, as set out in section 10. These decisions are made in accordance with the Code for Crown Prosecutors.

5.2 Bribery is a serious offence and is an inherent public interest for this to be prosecuted to practically criminalise this behaviour.

5.3 Prosecution under the Bribery Act can be against both individuals and organisations if a person associated with it bribes another person, intending to obtain or retain business or an advantage in the conduct of business for that organisation. Penalties for individuals include unlimited fines and/or imprisonment and organisations can receive unlimited fines.

### 6. BRIBERY IS NOT TOLERATED

6.1 Bribery undermines democracy and the rule of law and improperly influences the decision-making process. It is important therefore that everyone is clear as to what is unacceptable.

6.2 It is unacceptable to:

- 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 or influence a decision.
- 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 or influence a decision.
- offer to influence a decision in return for a payment, gift or hospitality.
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy.
- engage in any activity in breach of this policy.

### **7.0 WHAT ARE FACILITATION PAYMENTS?**

7.1 A facilitation payment is a payment (money or goods) made to a public or government official that acts as an incentive for the official to complete some action or process expeditiously to the benefit of the party making the payment. In general, a facilitation payment is made to smooth the progress of a service to which the payer is legally entitled, without making such a payment.

7.2 These payments are not tolerated by the Council and are illegal under the Act.

### **8.0 GIFTS AND HOSPITALITY**

8.1 This policy is not meant to change the requirements of the Employee Gifts & Hospitality Policy which forms part of the terms and conditions of employment with the Council.

8.2 The Employee Gifts & Hospitality Policy makes it clear that as an employee you should not benefit from your position at the Council beyond the pay and reward schemes that the Council has in place. The policy provides clear guidance regarding what is and what is not acceptable.

8.3 In summary never accept a gift or hospitality:

- As an inducement or reward for anything you do as an employee of the Council
- Which puts you under an improper obligation
- If acceptance might be open to misinterpretation

8.4 You must not solicit gifts or hospitality (other than modest refreshments which are incidental to the business at hand, for example a cup of tea at a meeting).

### **9.0 PUBLIC CONTRACTS AND FAILURE TO PREVENT BRIBERY**

9.1 Under the Public Contracts Regulations 2015 where a contracting authority has knowledge that a company or its representatives have been convicted of a corruption offence, they should be treated as ineligible (debarred) to participate in the tendering process. Companies cannot be permanently debarred, but instead will face a term of debarment, dependent on the case, that can be no longer than five years from the date of the conviction.

9.2 Public authorities are also obliged to bring debarment to an end when the company can satisfactorily demonstrate 'self-cleaning'. This allows companies to recover eligibility to bid for public contracts following a debarment by demonstrating sufficient evidence of the following:

- payment of, or undertaking to pay, compensation in respect of any damage caused by the criminal offence or misconduct.

- clarification of the facts and circumstances of the offence in a comprehensive manner, for example by actively collaborating with the investigating authorities
- the introduction of concrete technical, organisational and personnel measures, which are appropriate to prevent further criminal offences or misconduct.

### **10.0 STAFF RESPONSIBILITIES**

10.1 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 appropriate staff are required to avoid activity that breaches this policy.

10.2 You must:

- ensure that you read, understand, and comply with this policy.
- 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. Details of how to raise concerns can be found below in section 11.

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

### **11.0 RAISING A CONCERN**

11.1 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.

11.2 The Council is committed to ensuring that there is a safe, reliable, and confidential way of reporting suspicious activity and that staff know how they can raise concerns.

11.3 Concerns can be raised with your line manager or a senior manager within your service. You can raise your concern initially in person, by telephone or in writing. The manager will consider any information you provide in line with the requirements of this policy.

11.4 Concerns can be raised anonymously and will be considered wherever possible at the discretion of the Council. However, it may be more difficult or even impossible to investigate them properly if further information cannot be obtained from the informant. This policy encourages you to provide your name and contact details when reporting your concern.

11.5 If you would prefer to report your concerns directly to Internal Audit, or you are not a Council employee or worker, then a referral can be made as follows:



Telephone: 0113 378 8008 (dedicated hotline answered by a member of the Internal Audit team or an answerphone).

Email: [concerns@leeds.gov.uk](mailto:concerns@leeds.gov.uk)

In writing: Internal Audit, 3rd Floor West, Civic Hall, Leeds, LS1 1JF.

Online

(internal only): When logged into the Council network there is the option to complete a whistleblowing referral form via Insite.

- 11.6 The Council is committed to treating all concerns raised consistently and fairly. Where a referral is made to Internal Audit an initial assessment of the information received will be completed which may include preliminary enquiries. This will determine if further investigation will be undertaken and if so, who is best placed to complete this considering any skills, knowledge and areas of expertise felt to be necessary.
- 11.7 Details of all referrals received by managers under this policy should be notified to Internal Audit to allow a central record to be maintained. A regular review of referrals notified and actioned by management will be undertaken to ensure all concerns are being dealt with on a consistent basis.
- 11.8 The Council recognises that as a Council employee or worker, the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the wrongdoing. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern which you reasonably believe to be true.
- 11.9 If you have any questions about these procedures or need further advice, please contact [internalaudit@leeds.gov.uk](mailto:internalaudit@leeds.gov.uk).

### 12.0 OTHER RELEVANT POLICIES

Members Code of Conduct  
Employee Code of Conduct  
Employee Gifts and Hospitality Policy  
Employee outside interests' policy and procedure  
Anti-Money Laundering Policy & Policy on a page  
Whistleblowing Policy  
Counter fraud and corruption strategy