

DESBOROUGH TOWN COUNCIL

Anti-bribery, Anti-fraud, and Anti-corruption Policy Statement and Procedures

The Council is committed to applying the highest standards of ethical conduct and integrity to its activities.

This policy statement applies to all Councillors and employees, as well as agency workers, volunteers, consultants, and contractors both in the UK and overseas, and anyone carrying out work on behalf of the Council (people affected by this policy). All people affected by this policy are required to familiarize themselves with and comply with policy.

All Members of the Town Council are required to abide by Standing Orders, the Code of Conduct, Financial Regulations, and any Councillor/Staff Protocols. All employees are required to maintain conduct of the highest standard such that confidence in their integrity, motives and impartiality is sustained.

When acting on behalf of the Council, all people affected by this policy are responsible for maintaining the Council's reputation and for conducting business honestly and professionally. The integrity and reputation of the Council depends on the honesty, fairness and integrity by everyone associated with the Council. The Council is committed to implementing and enforcing effective systems throughout the Council to prevent, monitor, and eliminate bribery, in accordance with its obligations under the Bribery Act 2010. Bribery is a criminal offence. The Council will not tolerate any form of bribery, whether direct or indirect, by, or of, any person affected by this policy.

The Bribery Act 2010 introduced a crime of "failure to prevent" bribery, which means that bodies unable to demonstrate that they have implemented "adequate procedures" to prevent corrupt practices within their ranks, or by third parties on their behalf, could be exposed to unlimited fines. A bribe is defined as a financial advantage or other reward that is offered to, promised to, given to, or received by an individual or company to induce or influence that individual or company to perform its public or corporate functions or duties in an improper manner (i.e. not in good faith, not impartially, or not in accordance with a position of trust).

Desborough Town Council recognises that over and above the commission of any crime, any involvement in bribery will also reflect adversely on its image and reputation. The purpose of this Policy Statement is to limit the Town Council's exposure to bribery by:

- setting out a clear anti-bribery policy;
- training all employees and Members so that they can recognise and avoid the use of bribery by themselves and others;
- encouraging all people affected by this policy 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 investigation and resultant prosecution;
- supporting all people affected by this policy who report suspected bribery in good faith even if, following an investigation, it is found that no bribery took place;
- taking firm and vigorous action against any individual(s) involved in bribery.

The prevention, detection, and reporting of bribery is the responsibility of all people affected by this policy. Suitable channels of communication by which employees and others can report confidentially any suspicion of bribery will be maintained by the Whistleblowing Procedure as detailed in the Council's Grievance Procedure Policy.

All people affected by this policy are prohibited from offering, giving, soliciting or accepting any bribe, whether cash or other form of inducement to or from any person or company in order to gain any commercial, contractual or regulatory advantage for the Council in a way which is unethical or in order to gain any personal advantage, monetary or otherwise, for themselves or anyone connected with them.

The Council may provide bona fide hospitality to clients and may incur promotional expenditure. However, all such expenditure must be transparent, proportionate, reasonable, and authorized in advance, in accordance with the Council's anti-bribery procedures.

The Council recognises that market practice varies across the areas in which it does business and what is normal and acceptable in one place may not be in another. This policy statement prohibits any inducement which results in a personal gain or advantage to the recipient or any person or body associated with them, and which is intended to influence them to take action which may not be solely in the interests of the Council or of the person or body employing them or whom they represent.

This policy is not meant to prohibit the following practices providing they are customary in a particular market, are proportionate, and are properly recorded:

- normal and appropriate hospitality (for example light refreshments at meetings);
- the giving of a ceremonial gift on a festival or another special time;
- the use of any recognized fast-track process which is available to all on payment of a fee;
- the offer of resources to assist the person or body to make the decision more efficiently provided that they are supplied for that purpose only.

In the course of providing services to clients, or in dealings with suppliers, or any other person having similar connections to the Council, people affected by this policy should not accept money, gifts or other forms of reward with a value exceeding the *de minimis* limit set annually (£25 in 2018/19). All offers of gifts to people affected by this policy must be reported to the Town Clerk and shall be recorded in the Gifts and Hospitality register held by the Town Clerk. Detailed guidance is set out in the Gifts and Hospitality Procedures.

Inevitably, decisions as to what is acceptable may not always be easy. If anyone is in doubt as to whether a potential act constitutes bribery, the matter should be referred to the Town Clerk before proceeding or accepting (or in the case of the Town Clerk, to the Council).

Any breach of the Council's Anti-Bribery procedures will normally be treated as Gross Misconduct, or a breach of the Code of Conduct, and may be reported to the Police, the Monitoring Officer, or other enforcement agency.

The Council will not conduct business with third parties including clients, suppliers, agents or representatives who are not prepared to support its anti-bribery objectives.

Anti-bribery, Anti-fraud, and Anti-corruption Procedures

1. All employees and Members are required to assist in ensuring adherence to legal requirements, policy decisions, proper procedures, and promising practice.
2. All employees and Councillors must register with the Town Clerk any gifts or hospitality, above the *de minimis* level set from time to time (£25 in 2018/19) and abide by the provisions of Section 117 of the Local Government Act 1972 regarding any interest in contracts let by the Town Council.
3. The Council will maintain a system of financial control based on a framework of regular management information, financial regulations and administrative procedures which include segregation of duties, appropriate management and supervision, and a policy of delegation and accountability.
4. The Council's internal auditor is independent and reports to the Council.
5. A programme of regular internal audit is carried out in accordance with proper practices by selected members as determined from time to time as well as a programme of special investigations to include economy, efficiency and effectiveness of operations.
6. The Town Council's operations, accounts, assets, and systems are subject to an independent annual audit by an external auditor appointed by the Audit Commission, following availability of the accounts for public inspection for the period prescribed by Statute.
7. The Grievance Procedure is available for use by any employee wishing to make a "qualifying disclosure" under the Public Interest Disclosure Act 1998 and details of the criteria for this are set out in the Grievance Procedure.
8. If any such "*qualifying disclosure*" is made an "Investigating Officer", normally the Town Clerk, will be appointed to be in charge of any investigation on a day to day basis.

9. The Investigating Officer will keep records as the investigation proceeds and report them to the Internal Review Councillor(s). Pending this, any employee making a “qualifying disclosure” must not discuss their suspicions with anyone. The Town Clerk, in consultation with the Internal Review Councillor(s) is empowered to decide when, or whether, any matters should be referred to the Police, the Monitoring Officer, or other enforcement body.
 - (a) Any such “*qualifying disclosure*” made in good faith, even if subsequently held to be unfounded, would result in no consequences whatsoever for the employee concerned unless found to have been initiated maliciously;
 - (b) Any such “*qualifying disclosure*” found to have been initiated maliciously, even if subsequently held to be unfounded, might result in consequences for the employee concerned under the Disciplinary Procedure;
 - (c) Any “*qualifying disclosure*”, if subsequently upheld after investigation, could lead to action under the Disciplinary Procedure or Code of Conduct.
10. At the end of any such investigations, whether there is Police involvement or not, a report will go to the Town Council and to the internal auditor.
11. The Town Council supports the principle of continuous development for staff, especially for those involved in the operation of internal control systems, to ensure that there is a culture of continuous improvement.
12. Any member of the public who believes there has been an incidence of fraud or corruption must submit the allegation in writing to the Town Clerk or (if the allegation is against the Town Clerk) to the Chair of the Council, who will decide whether to initiate a formal investigation. Any investigation conducted will be carried out in the method as recommended at that time by the Audit Commission and appropriate enforcement agencies.

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