



Cherwell District Council's Anti-Bribery Policy

Introduction

As a Local Authority working for the benefit of the local community by providing a wide range of services, Cherwell District Council sees its reputation for fairness, ethical behaviour and financial probity as paramount. To that end, it forbids any member of staff engaging in bribery. Bribery is defined as:-

the offering, giving, receiving, or soliciting of something of value for the purpose of influencing the action of an official in the discharge of his or her public or legal duties.

The Bribery Act 2010 gained Royal assent on 08/04/10 and creates a corporate offence of failure to prevent bribery, and requires the Council to implement adequate procedures to prevent bribery. Ministry of Justice Guidance is now available www.justice.gov.uk and suggests ways the Council can implement proportionate measures, if not already in place. The Act will come into force from 1/07/11.

The Council recognises that any member of staff that engages in bribery will reflect adversely on the image and reputation of the Council and public sector in general. The aim therefore is to limit the Council's risk of exposure to bribery by:

- Publishing a clear anti-bribery policy and reviewing other associated policies in existence;
- Training all staff so that they can recognise and avoid the use of bribery by themselves and others;
- Ensuring that all business partner's of the Council are aware of the anti-bribery policy and that their staff must abide by it;
- Encouraging our employees to be vigilant and to report any suspicion of bribery;
- Ensuring that our policies and control systems are subject to regular audit, to provide assurance that they are fit for purpose;
- Addressing conflicts of interests and the risks created by gifts and hospitality through the application of our corporate policies;
- Investigating instances of alleged bribery and assisting the police and other appropriate enforcement agencies in any resultant action; and
- Taking the appropriate action, as laid out in Law and other Council policies, against any member of staff, who engages in bribery

The Council's Policy statement

Cherwell District Council forbids the offering, the giving, the solicitation or the acceptance of any bribe, whether in cash or by way of any other type of inducement, to or from any person or company, wherever they are situated and whether they are:-

- a public official or body
- a private person
- a company
- any individual employee, agent or other person or body acting on the Council's or Group's behalf

in order to gain any commercial, contractual or regulatory advantage for the Council or Group in a way which is unethical or in order to gain any personal advantage, financial or otherwise for the individual, the Council, the Group, or anyone connected with said parties.

Staff members are forbidden from accepting any inducement which would result in a gain or advantage to the briber or any person(s) or third parties associated with them. The inducement being intended to influence the member of staff to take any action, which may not be in the interests of the Council. Any staff member found to be involved in bribery is liable to disciplinary action, dismissal and prosecution.

The Council is entitled to terminate the contract forthwith and to recover from a supplier the amount of any loss resulting from such termination if:-

- (a) the supplier or any employee of the supplier shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or not doing or for having done or not done any act in relation to the contract or
- (b) the like acts shall have been done by any person employed by the supplier or acting on his behalf (whether with or without the knowledge of the supplier) or
- (c) in relation to the contract the supplier or any person employed by the supplier has committed any offence under the Bribery Act 2010 or shall have given any fee or reward for the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.

Who does this policy apply to?

Members and the Corporate Management Team are in the best position to set the standards expected by the Council in its operations. They lead in setting those standards and promoting and maintaining a culture of integrity, where there is zero tolerance to bribery. Not only does this policy apply to all employees of Cherwell District Council, from the Chief Executive down, but it also applies to all Councillors and third party partners who do business with Cherwell District Council. Some examples of which would be suppliers of goods and/or services, training companies and consultants and recruitment agencies, which provide temporary staff.

Hospitality

Cherwell District Council has two codes which govern the acceptance of gifts and hospitality; they are the Gifts & Hospitality Code and the Employee Code of Conduct. Both of these codes give clear guidance on the standards of conduct expected by Cherwell District Council employees in relation to general conduct and specifically when offered gifts and/or hospitality. If anyone is in doubt as to whether a potential act or gift constitutes bribery, they should consult with their line manager about it, or

seek advice from either The Head of Internal Audit or The Investigations Manager.
(See appendix A for contact details)

Employee Responsibility

Every member of Cherwell District Council's staff is responsible for the prevention and reporting of bribery throughout the Council. This includes any company or individual that the Council does business with. Any suspicion of bribery must be reported and this can be done confidentially on the Fraud Hotline number 0800 716152. If any member of staff has any queries they can contact either The Head of Internal Audit or the Investigations Manager, whose details can be found on the intranet.

Council Responsibility

The Council's s.151 Officer is ultimately responsible for the Council's anti-bribery and anti-fraud efforts, and shall report adherence to this policy, at least annually, to the Corporate Management Team. The Investigations Manager and Training Manager are responsible for delivering and maintaining anti-bribery training and maintaining the anti-bribery culture at Cherwell District Council. Audit (PWC) are responsible for assessing compliance with this policy, whilst Line Managers are responsible for implementing this policy within their teams.

Appendix A

Contact details for officers involved in the application of this policy and investigation of suspected bribery offences:-

Karen Curtin – Head of Finance/ Section 151 Officer

Cherwell District Council

E-mail: Karen.Curtin@cherwell-dc.gov.uk

Direct dial: 01295 221551

Chris Dickens – Chief Internal Auditor

Price Waterhouse Cooper

E-mail: chris.dickens@uk.pwc.com

Direct dial: 01509 604041|

Mobile:

07720427215

Jeff Brawley ACFM

Cherwell District Council

Investigations Manager

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