

**EASTSUFFOLK**  
C O U N C I L

# Anti-Bribery Policy

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## Anti-Bribery Policy

### POLICY STATEMENT

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.

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. Measures to prevent and detect bribery are embedded in all Council functions and activity

### Definition of Bribery

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

Inducements and rewards can take many forms such as gifts, loans, fee rewards, tax advantages, service advantages, donations and facilitation payments\*.

(\*Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions)

### The Four Bribery Offences

#### Bribery of another person

offering, promising or giving a financial or other advantage to a person to induce or reward a person to perform a relevant function or activity improperly

#### Accepting a bribe

accepting, receiving or requesting a financial or other advantage as a reward for performing a relevant function or action improperly

#### Bribing a foreign official

using a bribe to influence a foreign public official to obtain or retain business or a business advantage

#### Corporate failure to prevent Bribery

if an organisation, or an associated person, commits bribery to obtain or retain business or a business advantage for them

## Anti-Bribery Policy

### Policy Objective

This policy provides a coherent and consistent framework to enable East Suffolk Council's employees, members and any associated persons to understand and implement arrangements to prevent, deter and detect bribery. In conjunction with related policies and key documents it will also highlight the expectations on individuals, including the necessity to identify and effectively report any potential policy breach.

### Key Policy Requirements

This Policy relates to all council activities. All personnel (including employees, temporary agency staff, contractors, volunteers, and consultants) and Members must:

- Read, understand and comply with this Policy.
- Comply with the Conduct rules set out in the policy(s) relevant to you (e.g. Officer Code of Conduct, Suffolk Code of Conduct (for Members), Contractual Terms and Conditions).
- Notify or register all gifts and hospitality in line with the rules of conduct above.
- Act honestly and with integrity at all times 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.
- Notify East Suffolk Council's Fraud Team if you or someone connected to the Council is offered any form of inducement, even if it isn't accepted.
- 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.

**Anyone wishing to report a concern should follow the Council's [Whistleblowing Policy](#), or contact East Suffolk Council's Fraud Team on the Whistleblowing hotline 01394 444222 or [fraud@eastsuffolk.gov.uk](mailto:fraud@eastsuffolk.gov.uk).**

East Suffolk Council Fraud Team will investigate all allegations of bribery made in good faith, and recognises that the vast majority of concerns raised are due to legitimate concern and the public interest. Where preliminary enquiries find the concern raised is manifestly unfounded, vexatious, or has been made in bad faith the matter will be concluded without further investigation.

Employees who fail to comply with the requirements of the Anti-Bribery Policy will face disciplinary action, potentially leading to dismissal for gross misconduct and/or may also face civil and/or criminal prosecution.

## Anti-Bribery Policy



This policy applies to all Council activities. For partners, Council-owned companies 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 resides at all levels of the organisation. It does not reside within the assurance functions, but in all services and corporate functions.



This policy applies to all employees of all levels and grades, those permanently employed, temporary agency staff, interns, third-party representatives, contractors, sub-contractors, agents, Members (including independent Members), volunteers and consultants.

### Unacceptable Activities

East Suffolk Council does not tolerate bribery and it is unacceptable to

- **Bribe:** 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
- **Facilitate:** give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to facilitate or speed up a routine procedure
- **Accept financial inducement:** 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 non-financial inducement:** 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
- **Threaten:** act against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy
- **Breach:** take part in activities that breach this policy.

## Anti-Bribery Policy

### The Six Anti-Bribery Principles

East Suffolk Council has adopted and abides by the following 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, effective and enforced.

#### Top level commitment

The Corporate Leadership Team and all Senior Officials (internal and external) connected with the Council's business are committed to preventing bribery by persons associated with it. They foster a culture within the organisation in which bribery is never acceptable.

#### 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.

#### Monitoring and review

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

#### Communication and 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.

#### 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.

## Anti-Bribery Policy

### Why is this Policy Important?

As a public body, East Suffolk Council is entrusted with and responsible for the highest standard of governance and care for the public resources it receives. The Council also serves the public and the public interest in preventing bribery, fraud and corruption.

**Bribery is a criminal offence** and there are serious consequences for breaches of this policy, which could include:

- Individual **imprisonment** and **fin**es of up to £5,000 for anyone convicted of an offence
- **Unlimited fines** for an organisation that fails to prevent bribery
- For a supplier, conviction of an economic crime such as bribery could result in being placed on a central debarment list and excluded from bidding for public contracts for up to 5 years.
- East Suffolk Council may decide not to work with individuals, groups and organisations who have a history or convictions in economic crime.

The consequences of failure to comply with codes of conduct, supplier terms and conditions and any other document that includes anti-bribery provisions may also be serious and are set out in those documents.

### Useful tips to help compliance

As someone connected with East Suffolk Council you should always ask yourself:

- Is it legal?
- Does it feel right and fair?
- Am I comfortable with it?
- If my actions were made public would they be represented in a positive way, e.g. in the media?

If the answer to any of the above is “No” then you should report it to your line manager and East Suffolk Council’s Fraud Team on the Whistleblowing hotline 01394 444222 or [fraud@eastsuffolk.gov.uk](mailto:fraud@eastsuffolk.gov.uk).

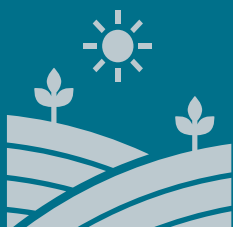
## Anti-Bribery Policy

### Corporate Commitments

In order to fulfil its Anti-Bribery commitments, East Suffolk Council undertakes to:

- Set out a clear anti-bribery policy and keeping it up to date.
- Make all employees aware of their responsibility to adhere strictly to this policy at all times.
- Train all employees so that they can recognise and avoid the use of bribery by themselves and others.
- Encourage 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 investigate instances of alleged bribery and assist police and other appropriate authorities in any resultant prosecution.
- Take firm and vigorous action against any individual(s) involved in bribery.
- Provide information to all employees on how to report breaches and suspected breaches of this policy.
- Include appropriate clauses in contracts to prevent bribery.

### Highlighted Bribery Allegations from District Councils across the UK



#### Planning

A member of the planning committee was approached by someone purporting to be a local resident and wanting to discuss an issue. The councillor agreed, at short notice, to a face-to-face meeting to discuss the problem – only to find the matter was not about a local issue, but was in fact an offer of £30,000 to support a planning application.



#### Housing Contract

A housing project manager took bribes from suppliers in relation to contracts they were awarded by the Council. He was given £125,000 by a contractor that was awarded a £2 million contract for works on council-owned properties. The project manager was also bribed with tickets to premiership football matches, meals and golf trips, which he knew he should have declared and did not. He was jailed for three and a half years.



#### Landscaping Kickbacks

The costs of fencing jobs were inflated and a council landscape surveyor was taking a cut on the profit of each job. The individual jobs were between £1,500 and £10,000 in value. Both the contractor involved and the surveyor were prosecuted and given eight month prison sentences and the Council was awarded £16,766 from each of them under the Proceeds of Crime Act.

## Anti-Bribery Policy

### Bribery involving Suppliers and within the Supply Chain

East Suffolk Council is committed to ensuring that all procurement activity is conducted in an open and transparent manner with both parties displaying the utmost honesty and integrity. The Council does not tolerate any form of fraudulent or corrupt practices in its suppliers or supply chain.

- East Suffolk Council expects a comparable commitment from all suppliers, who should be fully aware of UK fraud, bribery and corruption legislation prior to submitting quotes or tenders.
- Suppliers must adhere to all relevant procurement legislation (including the Procurement Act 2023) and East Suffolk Council policies and procedures when participating in any tender exercise. These require procurement exercises to be completed transparently and fairly.
- Suppliers should also have their own robust processes in place to ensure that the subcontractors in their supply chain are also fully compliant.
- Suppliers should not share specifications and detailed costs, and they should report any concerns if it is suspected that other suppliers are working together.
- Suppliers should be made aware in writing of this Anti-Bribery Policy.
- Suppliers should sign a declaration confirming that they understand these policies when submitting quotes or tenders.
- Suppliers should sign the conflicts of interest declaration form included in the tender documents when bidding for work.

For suppliers delivering a contract to East Suffolk Council, compliance with the legal framework is compulsory and breaching this could impair your status as a suitable supplier. If you suspect that fraud, bribery or corruption has occurred, immediate action is crucial. Suppliers must act immediately by alerting the East Suffolk Council Fraud Team on the Whistleblowing hotline 01394 444222 or [fraud@eastsuffolk.gov.uk](mailto:fraud@eastsuffolk.gov.uk). Suppliers and their staff should also ensure that they comply with their own organisation's whistleblowing policies.

The following are examples of how bribery can occur during the procurement process:

■ **Bribery or kickbacks for awarding a contract:** a bribe is given to an employee to secure the award of a contract. A kickback is a form of 'negotiated bribery' where a portion of the value of a contract is demanded by an official as a bribe for services rendered, for example securing the contract itself. For the purposes of the Bribery Act 2010, a kickback is equivalent to a bribe. The kickback might be said to vary from other kinds of bribes in that there is implied collusion between the two parties, rather than one party extorting the bribe from the other.

■ **Bribery for disclosing confidential information:** a bribe is given to an employee to secure the disclosure of confidential and commercially sensitive information, such as the content of competing bids



## Anti-Bribery Policy

### Further Guidance

This Policy is part of East Suffolk Council's corporate governance suite, and although specific to Anti-Bribery sits alongside other corporate policies. Readers should be aware of the requirements of other relevant policies and procedures available on the Council's intranet SharePoint pages, including but not limited to:

- Whistleblowing Policy
- Anti Fraud and Corruption Strategy
- Anti Money Laundering Policy
- Codes of Conduct
- East Suffolk Council – Our Values
- Contract Procedure Rules and associated guidance