

**Appendix 4**

**WIRRAL COUNCIL**

**ANTI-BRIBERY  
POLICY**

## **1. Policy Statement**

- 1.1 Bribery is a criminal offence. Wirral Council will neither, pay bribes nor offer improper inducements to anyone for any purpose, nor accept bribes or improper inducements.
- 1.2 To use a third party as a conduit to channel bribes to others is a criminal offence. The Council does not, and will not, engage indirectly in or otherwise encourage bribery.
- 1.3 Wirral Council is committed to the prevention, deterrence and detection of bribery and has a zero-tolerance towards bribery. Anti-bribery compliance is to be embedded in every aspect of the Council's operations.

## **2. Objective of this policy**

- 2.1 This policy provides a coherent and consistent framework to enable the Council's employees and Members to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable employees and Members to identify and effectively report a potential breach.
- 2.2 It is the responsibility of all personnel, including those permanently employed, temporary agency staff and contractors and Members to:
  - Act honestly and with integrity at all times and 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, in respect of the lawful and responsible conduct of activities.

## **3. Scope of this policy**

- 3.1 This policy applies to all of the Council's activities. For partners, joint ventures and suppliers, the Council will seek to promote the adoption of policies consistent with the principles set out in this policy.
- 3.2 Within the Council, the responsibility to control the risk of bribery occurring resides at all levels of the organisation. It does not rest solely within assurance functions, but in all business units and corporate functions.
- 3.3 This policy covers all personnel, including all levels and grades, those permanently employed, temporary agency staff, contractors, non-executives, agents, all Members, volunteers and consultants.

## **4. Wirral Council's commitment to action**

- 4.1 This Council commits to:
  - Setting out a clear anti-bribery policy and keeping it up to date;
  - Making all employees and Members aware of their responsibilities to adhere strictly to this policy at all times;
  - Training all employees and Members so that they can recognise and avoid the use of bribery by themselves and others;

- Encouraging all employees and Members 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 prosecution;
- Taking firm and vigorous action against any individual(s) involved in bribery;
- Providing information to all employees and Members to report breaches and suspected breaches of this policy;
- Including appropriate clauses in contacts to prevent bribery.

## 5. Bribery

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

## 6. The Bribery Act

6.1 There are four key offences under the Act:

- Bribery of another person (section 1)
- Accepting a bribe (section 2)
- Bribing a foreign official (section 6)
- Failing to prevent bribery (section 7)

6.2 The [Bribery Act 2010](#) makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2).

6.3 Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business.

6.4 There is also a corporate offence under Section 7 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. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

6.5 For the purposes of the Act, relevant commercial organisations are not limited to private sector businesses, but potentially include organisations which engage in commercial activity, even if they are performing a public function.

## 7. Penalties

7.1 An individual guilty of an offence under sections 1, 2 or 6 is liable:

- On conviction in a magistrates court, to imprisonment for a maximum term of 12 months (six months in Northern Ireland), or to a fine not exceeding £5,000, or to both;
- On conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both.

7.2 Organisations are liable for these fines and if guilty of an offence under section 7 are liable to an unlimited fine.

## **8. Bribery is not tolerated by Wirral Council**

8.1 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 by us 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.

## **9. Facilitation payments**

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

## **10. Gifts and hospitality**

10.1 This policy should be read in conjunction with the [Gifts and Hospitality Policy and Procedure](#) which makes it clear that:

With the exceptions listed below, an employee should refuse any personal gift (including cash) offered to him/her or to a member of his/her family by any person who has, or seeks, dealings with the Council, and the offer should be reported to the Chief Officer of the directorate concerned.

Exceptions:

- A small/low value gift of promotional character given to a wide range of people and not uniquely to specific employees. These gifts are usually given at Christmas time and include calendars, diaries, pens, mugs or other articles of use in the office or for the job.
- Small/low value gifts on the conclusion of any courtesy visit to a factory or firm of a sort normally given by that firm.
- Light refreshments (e.g. tea, coffee, biscuits, sandwiches) provided as part of a meeting, event or conference.

10.2 Similarly employees and Members should be cautious about the acceptance of Hospitality or Entertainment, as detailed in the [Gifts and Hospitality Policy and Procedures](#) which states that:

Special caution is needed where the host is a private individual or seeking to do business with the Council or to obtain a decision from it or has been involved with the Council commercially. It is important to avoid any suggestion of undue influence and therefore in these circumstances hospitality/entertainment should normally be avoided with the exception of modest refreshments provided during discussions/negotiations. Any hospitality/entertainment received should be registered.

## **11. Responsibilities**

- 11.1 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 employees and Members are required to avoid activity that breaches this policy.
- 11.2 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.
- 11.3 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.

## **12. Raising a concern**

- 12.1 The Council is committed to ensuring that all employees and Members have a safe, reliable, and confidential way of reporting any suspicious activity. Each and every employee or Member can raise concerns.
- 12.2 All employees and Members have a responsibility to help detect, prevent and report instances of bribery. Anyone who has a concern regarding a suspected instance of bribery or corruption should report it.
- 12.3 There are various channels through which concerns can be raised. Please refer to the [Whistleblowing Policy](#) or the Anti-Fraud and Corruption Policy (link to be inserted following approval of both policies at ARMC June 17)
- 12.4 Concerns can be anonymous. In the event that an incident of bribery, corruption, or wrongdoing is reported, action will be taken 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. This is easier and quicker if concerns raised are not anonymously.
- 12.5 Employees and Members who refuse to accept or offer a bribe, or those who raise concerns or report wrongdoing can understandably be worried about the repercussions. The Council will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken.
- 12.6 The Council is committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith.

## Other relevant policies

- Anti-Fraud and Corruption Policy (link to be inserted following approval at ARMC June 17)
- [Anti-Money Laundering Policy](#)
- [Whistleblowing Policy](#)
- [Gifts and Hospitality Policy](#)
- [Conflict of Interest Policy](#)

<b>Document Ownership</b>	
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