

# Anti-Bribery Policy Statement and Anti- Fraud and Corruption Strategy

RESPONSIBLE COMMITTEE: P&F

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This is a policy/procedure document of Saltash  
Town Council to be followed by both Council  
Members and Employees.

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### Document Retention Period

Until superseded

# **Anti-Bribery Policy Statement And Anti-Fraud And Corruption Strategy**

## **Policy:**

### **1. Introduction**

The Bribery Act 2010 which has been enacted represents the biggest change in UK laws in this area of business for many generations.

There are a new set of risks to navigate with the introduction of the legislation.

The Act introduces a new crime of “failure to prevent” bribery, which means that companies 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.

Saltash Town Council values its reputation for ethical behaviour and for financial probity and reliability.

It 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 set out for councillors and employees of the Town Council with the aim of limiting Saltash Town Council's exposure to bribery by:

- Setting out a clear anti-bribery policy;
- Training all employees and councillors so that they can recognise and avoid the use of bribery by themselves and others;
- Encouraging 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 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.

## **2. Scope**

This Policy Statement applies to councillors, co-opted councillors and all employees who work for the Town Council.

### **Saltash Town Council prohibits:**

The offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement.

#### **to or from**

- ☐ any person or company, wherever they are situated and whether they are a public official or body or private person or company

#### **by**

- ☐ any individual employee, councillor, agent or other person or body acting on the council's behalf

#### **in order to**

- ☐ gain any commercial, contractual or regulatory advantage for the Town Council in a way which is unethical

#### **or in order to**

- ☐ gain any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual.

### **3. Further Clarification**

The Town 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 Town 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;
- The giving of a ceremonial gift on a festival or another special time;
- The use of any recognised 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.

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 or in their absence the nominated Officer as per the line management staff structure.

#### **4. Employee and Councillor Responsibility**

The prevention, detection and reporting of bribery is the responsibility of all employees and councillors throughout the council. 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 Saltash Town Council Grievance Procedure Policy.

##### **Strategy:**

1. The Town Council is committed to an effective Anti-Fraud and Corruption Strategy to protect its integrity, its assets and ensure probity.
2. The ethos of the organisation is one of honesty and integrity, belief in the principles and practices of Best Value, and opposition to fraud and corruption.
3. All Councillors are required to abide by Standing Orders as approved from time to time, the Code of Conduct, Financial Regulations and Protocol for Member Officer Relations.
4. All employees are required to maintain conduct of the highest standard such that confidence in their integrity, motives and impartiality is sustained.
5. Employees at all levels are required to assist in ensuring adherence to legal requirements, policy decisions, proper procedures and best practice, including in particular procurement.
6. All employees must register with the Town Clerk any gifts or hospitality, above the de minimis level set from time to time and abide by the provisions of Section 117 of the Local Government Act 1972 regarding any interest in contracts let by the Town Council.
7. The Town 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.  
In particular, the system includes:
  - comprehensive budgeting systems;

- structural budget preparation cycle;
  - preparation of regular financial reports which indicate actual income and expenditure against forecasts;
  - clearly defined capital and revenue guidelines;
  - Council Credit Card Control for which the Town Clerk has delegated authority with the agreement of the Chairman of P and F, or in their absence that of the Committee Vice Chairman, Chairman or Deputy Chairman of the Town Council or registered staff to use the Town Council Credit Card, where the expenditure in question is acceptable under council regulation, and where necessary for the efficient running of the council and for best value. However, in no case may this be used for individual expenses to be reclaimed, or in excess of the credit limit agreed by Full Council.
8. The Town Council has an internal auditor, who is independent and who will report back to the Town Council.
  9. A programme of regular internal audit is carried out in accordance with proper practices by selected councillors as determined from time to time as well as a programme of special investigations to include economy, efficiency and effectiveness of operations.
  10. The Town Council's operations, accounts, assets and systems are subject to an independent annual audit by an auditor appointed by the Audit Commission, following availability of the accounts for public inspection for the period prescribed by statute.
  11. 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.
  12. If any "qualifying disclosure" under the Public Interest Disclosure Act 1998 is made an "Investigating Officer", normally the Town Clerk or in their absence the nominated Deputy as per the organisation staff structure, will be appointed to be in charge of any investigation on a day- to-day basis.
  13. The Investigating Officer will make records as the investigation proceeds and report to the Chairman of Personnel. Pending this, any employee making a "qualifying disclosure" must not discuss their suspicions with anyone.



The Town Clerk or in their absence the nominated Officer as per the line management staff structure and Chairman of Personnel are empowered to decide when, or whether, any matters should be referred to the Police.

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14.1. 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.

14.2. Any “qualifying disclosure”, if subsequently upheld after investigation, could lead to action under the Disciplinary Procedure.

- 15. 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 external auditors.
- 16. 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.
- 17. 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 Chairman of the Town Council, who will seek advice from HR on how to proceed-
- 18. Any investigation conducted will be carried out in the method as recommended at that time by the Audit Commission and appropriate enforcement agencies.
- 19. Sections 11-15 to be read in conjunction with the Grievance Procedure Policy.