

Swaffham Town Council

ANTI BRIBERY POLICY

1. What does the policy cover?

- This anti-bribery policy exists to set out the responsibilities of Swaffham Town Council and those who work for us to recognise and deal with bribery and corruption issues, as well as understand their responsibilities.

2. Policy statement

- The Council is committed to conducting business in an ethical and honest manner, and is committed to implementing and enforcing systems that ensure bribery is prevented. The Council has zero-tolerance for bribery and corrupt activities. We are committed to acting professionally, fairly, and with integrity in all business dealings and relationships, wherever in the country we operate.
- The Council will constantly uphold all laws relating to anti-bribery and corruption in all the jurisdictions in which we operate. We are bound by the laws of the UK, including the Bribery Act 2010, in regard to our conduct both at home and abroad.

3. Who is covered by the policy?

- This anti-bribery policy applies to all employees, consultants, contractors, trainees, seconded staff, home workers, casual workers, agency staff, volunteers, interns, agents, sponsors, or any other person or persons associated with us (including third parties), or any of our subsidiaries or their employees, no matter where they are located (within or outside of the UK). The policy also applies to Officers, Trustees, Board, and/or Committee members at any level.
- In the context of this policy, third-party refers to any individual or organisation the Council meets and works with. It refers to actual and potential clients, customers, suppliers, distributors, business contacts, agents, advisers, and government and public bodies – this includes their advisors, representatives and officials, politicians, and public parties.
- Any arrangements the Council makes with a third party is subject to clear contractual terms, including specific provisions that require the third party to comply with minimum standards and procedures relating to anti-bribery and corruption.

4. Definition of bribery

- 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 Council to induce or influence that individual or Council 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)”*
- All employees and any other person acting on behalf of the Council are prohibited from offering, giving, soliciting or accepting any bribe, whether cash or other form of inducement to or from any person or Council 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.

5. What is and what is NOT acceptable

Gifts and hospitality

- The Council will continue to provide bona fide hospitality to clients and incur promotional expenditure. However, all such expenditure must be transparent, proportionate, reasonable and authorised in advance, in accordance with the Council’s Anti-Bribery Procedures.

- In the course of providing services to clients, or in dealings with suppliers, or any other person having similar connections to the Council, employees should under no circumstances accept money, gifts or other forms of reward with a value exceeding £25 without prior consent from the Mayor. All such reported gifts shall be recorded.
- 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 Mayor before proceeding.
- The Council has adopted a separate Gifts & Hospitality Policy – **EH Policy (G) 002 Gifts & Hospitality**.

Facilitation Payments and Kickbacks

- The Council does not accept and will not make any form of facilitation payments of any nature. We recognise that facilitation payments are a form of bribery that involves expediting or facilitating the performance of a public official for a routine governmental action. We recognise that they tend to be made by low level officials with the intention of securing or speeding up the performance of a certain duty or action.
- The Council does not allow kickbacks to be made or accepted. We recognise that kickbacks are typically made in exchange for a business favour or advantage.
- The Council recognises that, despite our strict policy on facilitation payments and kickbacks, employees may face a situation where avoiding a facilitation payment or kickback may put their/their family's personal security at risk. Under these circumstances, the following steps must be taken:
 - a. Keep any amount to the minimum.
 - b. Ask for a receipt, detailing the amount and reason for the payment.
 - c. Create a record concerning the payment.
 - d. Report this incident to your line manager.

Political Contributions

- The Council will not make donations, whether in cash, kind, or by any other means, to support any political parties or candidates. We recognise this may be perceived as an attempt to gain an improper business advantage.

Charitable Contributions

- The Council accepts (and indeed encourages) the act of donating to charities – whether through services, knowledge, time, or direct financial contributions (cash or otherwise) – and agrees to disclose all charitable contributions it makes.
- Employees must be careful to ensure that charitable contributions are not used to facilitate and conceal acts of bribery.
- We will ensure that all charitable donations made are legal and ethical under local laws and practices, and that donations are not offered/made without the approval of the compliance manager.

6. Employee Responsibilities

- As an employee of the Council, you must ensure that you read, understand, and comply with the information contained within this policy, and with any training or other anti-bribery and corruption information you are given.
- All employees and those under our control are equally responsible for the prevention, detection, and reporting of bribery and other forms of corruption. They are required to avoid any activities that could lead to, or imply, a breach of this anti-bribery policy.
- If you have reason to believe or suspect that an instance of bribery or corruption has occurred or will occur in the future that breaches this policy, you must notify the Town Clerk or **Personnel HR & Governance** Committee.
- If any employee breaches this policy, they will face disciplinary action and could face dismissal for gross misconduct.

7. What happens if I need to raise a concern?

How to raise a concern

- If you suspect that there is an instance of bribery or corrupt activities occurring in relation to the Council, you are encouraged to raise your concerns at as early a stage as possible. If you're uncertain about whether a certain action or behaviour can be considered bribery or corruption, you should speak to your line manager, the compliance manager, the director, or the Head of Governance and Legal.
- The Council has adopted a Whistleblowing Policy – **EH Policy (W) 001 Whistleblowing**, all employees are asked to familiarise themselves with the contents

What to do if you are a victim of bribery or corruption

- You must tell your compliance manager as soon as possible if you are offered a bribe by anyone, if you are asked to make one, if you suspect that you may be bribed or asked to make a bribe in the near future, or if you have reason to believe that you are a victim of another corrupt activity.

Protection

- If you refuse to accept or offer a bribe or you report a concern relating to potential act(s) of bribery or corruption, the Council understands that you may feel worried about potential repercussions. The Council will support anyone who raises concerns in good faith under this policy, even if investigation finds that they were mistaken.
- The Council will ensure that no one suffers any detrimental treatment as a result of refusing to accept or offer a bribe or other corrupt activities or because they reported a concern relating to potential act(s) of bribery or corruption.
- Detrimental treatment refers to dismissal, disciplinary action, treats, or unfavourable treatment in relation to the concern the individual raised.
- If you have reason to believe you've been subjected to unjust treatment as a result of a concern or refusal to accept a bribe, you should inform your line manager or the compliance manager immediately.

8. Training and communication

- The Council will provide training on this policy as part of the induction process for all new employees. Employees will also receive regular, relevant training on how to adhere to this policy, and will be asked annually to formally accept that they will comply with this policy.
- The Council's anti-bribery and corruption policy and zero-tolerance attitude will be clearly communicated to all suppliers, contractors, business partners, and any third-parties at the outset of business relations, and as appropriate thereafter.
- The Council will provide relevant anti-bribery and corruption training to employees etc. where we feel their knowledge of how to comply with the Bribery Act needs to be enhanced. As good practice, all businesses should provide their employees with anti-bribery training where there is a potential risk of facing bribery or corruption during work activities.

9. Record keeping

- The Council will keep detailed and accurate financial records, and will have appropriate internal controls in place to act as evidence for all payments made. We will declare and keep a written record of the amount and reason for hospitality or gifts accepted and given, and understand that gifts and acts of hospitality are subject to managerial review.

10. Monitoring and reviewing

- The Town Clerk and **Personnel HR & Governance** Committee are responsible for monitoring the effectiveness of this policy and will review the implementation of it on a regular basis. They will assess its suitability, adequacy, and effectiveness.
- Internal control systems and procedures designed to prevent bribery and corruption are subject to regular audits to ensure that they are effective in practice.

