



CHIPPENHAM  
TOWN COUNCIL  
Improving the quality of town life

# Anti-Fraud Bribery and Corruption Policy

Author: Chief Executive

Responsibility: Human Resources committee

Date Adopted: 8<sup>th</sup> November 2018

Review Date: 8<sup>th</sup> November 2021

Amendments:

## Policy Statement

Chippenham Town Council is committed to an effective Anti-Fraud, Bribery and Corruption Policy to protect its integrity, its assets and ensure probity. The Council are committed to applying the highest standards of ethical conduct and integrity in all its business activities. Every employee and individual acting on the Council's behalf is responsible for maintaining the Council's reputation and for conducting business honestly and professionally.

## Introduction

The purpose of this policy is to establish controls to ensure compliance with all applicable anti-bribery regulations, and to ensure our business is conducted in a socially responsible manner. This policy should be read in conjunction with other Council policies such as the Disciplinary Policy, Whistle Blowing Policy and Employee Code of Conduct.

## Scope of Policy

The policy applies to all employees of Chippenham Town Council (herein referred to as "the Council").

## Review Statement

This policy has been prepared considering prevailing legislation and recognised good practice. New legislation requirements or changes in current legislation may necessitate the review of this policy document. The Council will continue to review and amend all / part of this policy on a regular basis. It is the employee's responsibility to ensure that the copy of the policy being referred to is the most up-to-date version.

## Equality

In putting the procedure into practice, no aspect of the procedure will discriminate on the grounds of race, sex, sexual orientation, gender reassignment, age, religion, politics, marital status, disability, politics, caste and /or union membership or any other grounds likely to place any employee at a disadvantage.

## Principles

1. The ethos of the Council is one of honesty and integrity, belief in the principles and practices of Best Value, and opposition to fraud, bribery and corruption.
2. This policy outlines the organisation's position on preventing and prohibiting bribery, in accordance with the Bribery Act 2010. The organisation will not tolerate any form of bribery by, or of, its employees, agents or consultants or any person or body acting on its behalf. Senior management is committed to implementing effective measures to prevent, monitor and eliminate bribery.
3. All Members (Councillors) of the Council are required to abide by Standing Orders as approved from time to time, the Code of Conduct included as an appendix to Standing Orders, Financial Regulations and the Member / Employee Protocol as laid down in the Principles of Good Practice.

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 the Procurement Strategy.
6. All employees must register with the Chief Executive any gifts or hospitality, above the £25 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 Council.
7. The Responsible Financial Officer will determine 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 expenditure against forecasts
  - clearly defined capital and revenue guidelines
8. The Chief Executive will appoint an internal audit, independent of the Responsible Financial Officer, who will report directly to the Chief Executive.
  9. A programme of regular internal audit is carried out in accordance with proper practices as determined from time to time as well as a programme of special investigations to include economy, efficiency and effectiveness of operations. Members of the Council also carry out regular audits on a rotating basis.
  10. The Council's operations, accounts, assets and systems will be subject to an independent annual review by an auditor appointed by the Smaller Authorities' Audit Appointments Ltd (SAAA Ltd) Audit following availability of the accounts for public inspection for the period prescribed by statute.
  11. The Grievance Policy 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 Policy.
  12. If any "qualifying disclosure" under the Public Interest Disclosure Act 1998 is made an "Investigating Officer" 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 Chief Executive. Pending this, any employee making a "qualifying disclosure" must not discuss their suspicions with anyone.

14. The Chief Executive is empowered to decide when, or whether, any matters should be referred to the Police.
15. (a) 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.  
(b) Any “qualifying disclosure”, if subsequently upheld after investigation, could lead to action under the Disciplinary Policy and procedures.
16. At the end of any such investigations, whether there is Police involvement or not, a report will go to the Council and to the external auditors.
17. The 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.
18. An approved Protocol governs the use of ICT Systems provided by the Council.
19. Any member of the public who believes there has been an incidence of fraud or corruption must submit the allegation in writing to the Chief Executive, who will decide whether to initiate a formal investigation.

### Bribery Act 2010

The organisation is committed to complying with the Bribery Act 2010 in all its business activities.

Under the Bribery Act 2010, a bribe is a financial or other type of advantage that is offered or requested with the:

- intention of inducing or rewarding improper performance of a function or activity; or
- knowledge or belief that accepting such a reward would constitute the improper performance of such a function or activity.

A relevant function or activity includes public, state or business activities or any activity performed in the course of a person's employment, or on behalf of another organisation or individual, where the person performing that activity is expected to perform it in good faith, impartially, or in accordance with a position of trust.

A criminal offence will be committed under the Bribery Act 2010 if:

- an employee or associated person acting for, or on behalf of, the organisation offers, promises, gives, requests, receives or agrees to receive bribes; or
- an employee or associated person acting for, or on behalf of, the organisation offers, promises or gives a bribe to a foreign public official with the intention of influencing that official in the performance of his/her duties (where local law does not permit or require such influence); and
- the organisation does not have the defence that it has adequate procedures in place to prevent bribery by its employees or associated persons.

All employees and associated persons are required to comply with this policy, in accordance with the Bribery Act 2010.

### What is prohibited?

The organisation prohibits employees or associated persons from offering, promising, giving, soliciting or accepting any bribe. The bribe might be cash, a gift or other inducement to, or from, any person or organisation, whether a public or government official, official of a state-controlled industry, political party or a private person or organisation, regardless of whether the employee or associated person is situated in the UK or overseas. The bribe might be made to ensure that a person or organisation improperly performs duties or functions (for example, by not acting impartially or in good faith or in accordance with their position of trust) to gain any commercial, contractual or regulatory advantage for the organisation in either obtaining or maintaining organisation business, or to gain any personal advantage, financial or otherwise, for the individual or anyone connected with the individual.

This prohibition also applies to indirect contributions, payments or gifts made in any manner as an inducement or reward for improper performance, for example through consultants, contractors or sub-contractors, agents or sub-agents, sponsors or sub-sponsors, joint-venture partners, advisors, customers, suppliers or other third parties.

### Records

Employees and, where applicable, associated persons, are required to take particular care to ensure that all organisation records are accurately maintained in relation to any contracts or business activities, including financial invoices and all payment transactions with clients, suppliers and public officials.

Due diligence should be undertaken by employees and associated persons prior to entering into any contract, arrangement or relationship with a potential supplier of services, agent, consultant or representative [in accordance with the organisation's procurement and risk management procedures].

Employees and associated persons are required to keep accurate, detailed and up-to-date records of all corporate hospitality, entertainment or gifts accepted or offered.

### Entertainment, gifts and hospitality

The Council is committed to conducting its services fairly, honestly, openly and without bribery or corruption. You must not compromise your position by appearing to accept, or accepting gifts / hospitality which might be considered by others to have influenced you when making decisions on behalf of the Council.

You must secure approval from your line manager before accepting any gift or hospitality. All offers of gifts / hospitality over the value of £25 must be recorded. If you do not know the value or are unsure, record it.

In general, you are expected to refuse gifts and hospitality offered to you or members of your family by any person or body that has or seeks to have dealings of any kind with the Council. Cash or monetary equivalents offered must always be refused, regardless of the

value. There may be occasions where it could cause offence to refuse hospitality / gifts. However, no gift / hospitality that could look as though you have been dishonest or corrupt should be accepted. See Acceptance of gifts, hospitality and sponsorship for information.

### Further Information

For further information or clarification on any part of this policy, please contact your line manager.