

# ANTI-BRIBERY AND CORRUPTION POLICY 2022/23

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**1. Introduction:**

- 1.1. The Bribery Act 2010 ('the Bribery Act') aims to promote anti-bribery practices amongst businesses. It applies to both the private and public sectors and so applies to the Authority. An organisation will commit a criminal offence under the Bribery Act if it fails to prevent bribery that is intended to obtain or retain business or an advantage in the conduct of business for the organisation. An individual can also be guilty of an offence under the Bribery Act.
- 1.2. There are four key offences under the Act
  - Section 1 – Bribing another person
  - Section 2 – Taking a bribe
  - Section 6 – Bribing a foreign public official
  - Section 7 – Failing to prevent bribery.
- 1.3. Before the Bribery Act came into force organisations were only likely to be guilty of a bribery offence if senior management were involved. The Bribery Act applies to all staff in the organisation and now an organisation may be guilty of bribery if only the individual offender knew of the bribery.
- 1.4. An organisation will have a defence to the corporate offence if it can demonstrate that it had adequate procedures in place to prevent bribery by or of persons associated with the organisation.
- 1.5. 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, or to a fine not exceeding £5,000 or both
  - On conviction in a crown court to imprisonment for a maximum term of ten years or to an unlimited fine or both
- 1.6. Organisations are liable for these fines and if guilty of an offence under section 7 are liable to an unlimited fine.

**2. Definition of Bribery:**

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

**3. Objective of the Policy:**

- 3.1. The objective of the policy is to provide a coherent and consistent approach to ensuring compliance with the Bribery Act. It will enable all employees and any person who performs services for and on behalf of London Borough of Redbridge (including contractors, subcontractors, volunteers, consultants and elected members) to understand their responsibilities and allow them to take the necessary action:
- 3.2. The policy forms part of the ELWA's Anti-Fraud and Corruption strategic suite of policies.

**4. Scope of the Policy:**

- 4.1. The policy applies to all ELWA's activities including its work with strategic partners, third parties, suppliers and others. In the case of partnership working, ELWA will seek to promote the adoption of this policy by its partners, including ELWA Ltd and Renewi and any other subcontractors.
- 4.2. The policy applies equally to all staff i.e. officers, regardless of grade or whether permanently employed, as well as temporary agency staff, contractors, agents, all elected Members, volunteers and consultants.

**5. Approval of the Policy:**

- 5.1. The Finance Director recommends this policy reported to the Authority members for formal adoption.
- 5.2. The Finance Director is responsible for implementation of the policy, thereby ensuring that there is Management Board-level ownership.

**6. Anti-Bribery Policy:**

- 6.1. ELWA is committed to countering bribery and corruption in all forms and will not tolerate it in any of its activities. ELWA does not and will not, pay bribes or offer improper inducement to anyone for any purpose. Equally, ELWA does not and will not accept any bribes or improper inducements or engage indirectly in or otherwise encourage bribery.
- 6.2. All staff and those working or performing any service on or on behalf of ELWA will neither accept nor give bribes.
- 6.3. It is unacceptable to:
  - Give, promise to give, or offer payment, gifts 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 payment, gifts or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure
  - Accept payment from a third party that is offered with the expectation that it will obtain business advantage for them, whether known or suspected
  - Accept a gift or hospitality from a third party if it is offered or provided with an expectation that a business advantage will be provided by ELWA in return, whether known or suspected
  - 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.

**7. Gifts and Hospitality:**

- 7.1. This policy does not change the requirements of any existing related policies regarding gifts and hospitality.

**8. Responsibilities of staff and others:**

- 8.1. Prevention, detection, and reporting of bribery and other forms of corruption are the responsibility of all those working for ELWA or under its control. All staff including third parties working or performing any service on or behalf of ELWA are to avoid activity that breaches this policy, and must:
- Ensure that they read, understand and comply with the policy
  - Raise concerns as soon as possible if they suspect that this policy has been breached.
  - Act honestly with integrity at all times to safeguard ELWA's resources for which they are responsible
  - Comply with the law (both in spirit and in the letter).
- 8.2. Allegations against staff will be investigated objectively and impartially. Staff against whom allegations are made and investigated will be referred to the relevant employee assistance services.

**9. Reporting Procedure:**

- 9.1. Where you become concerned about an activity that you suspect involves bribery you should share your concerns with the London Borough of Redbridge's Head of Audit and Investigations who manages Internal Audit and Counter Fraud services on behalf of ELWA.
- By following this link to our online reporting form <https://www.report-fraud.co.uk/redbridge/fraud>
  - By phoning the Report Fraud line on 0800 633 5267. You can leave a confidential voice-mail message 24 hour a day
  - Contacting the Counter Fraud Team Manager through [Emma.Vick@redbridge.gov.uk](mailto:Emma.Vick@redbridge.gov.uk) or 07741 331040
  - Writing to the Head of Audit & Investigations, Redbridge Town Hall, 128-142 High Road, Ilford, ID1 1DD (Write 'Private and Confidential' on your envelope).

**10. Sanctions:**

- 10.1. Staff who breach this policy will face disciplinary action, which could result in dismissal for misconduct or gross misconduct.
- 10.2. Under the Public Contracts Regulations 2015 contracting authorities shall exclude a supplier from participation in a procurement where they have established that supplier has been convicted of certain offences, including bribery.

**11. Monitoring and Review:**

- 11.1. The Finance Director will be responsible for reviewing this Policy to ensure that it remains compliant with good practice and the needs of ELWA.

**12. Related Policies and Rules:**

- 12.1. The Anti-Bribery and Corruption policy should be considered alongside the following policies which collectively set out ELWA's approach to reducing bribery risks:

- Anti-Fraud and Corruption Strategy
- Whistleblowing Policy
- Anti-Money Laundering Policy
- Prosecution and Sanction Policy
- Employees’ Code of Conduct for employees
- ELWA Members’ Code of Conduct
- Contract Rules
- Finance rules
- Employment Rules
- Conferences, Visits and Hospitality Rules
- Land Acquisitions and Disposal Rules
- Gifts and Hospitality Guidance