

Aberdeen City Council

Anti-bribery Policy

(Approved by the Corporate Policy and Performance Committee on 22 September 2011)

Policy Statement

This policy outlines the Council's position on preventing and prohibiting bribery and is in accordance with the Bribery Act 2010. The Council will conduct its activities honestly and will apply high ethical standards without the use of acts of bribery. The Bribery Act makes it illegal to offer or receive bribes and to fail to prevent bribery. The Act makes provision for both individual and organisational responsibility for bribery and creates offences that carry prison terms of up to 10 years and unlimited fines.

The Council operates a zero-tolerance approach to any attempts at bribery by, or of, its employees or anyone performing services on behalf of the Council. All employees have a duty to report any actual or suspected bribery activity to their line manager or through the use of the Whistleblowing policy. Members would report such activity to the monitoring officer. All employees and members are expected to help to detect and eradicate bribery.

The 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, agent or other associated person or body acting on the Council's behalf
- in order to*** gain any commercial, contractual or regulatory advantage in a way which is unethical OR secure any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual.

In the event of any bribery activity being suspected, an investigation would be carried out to establish the facts. In respect of employees where bribery is alleged, the investigation will be undertaken in accordance with the Managing Discipline procedure. If allegations of bribery are brought against an employee and are upheld this would most likely result in summary dismissal. The police and any other relevant regulatory organisations may be contacted in relation to any bribery activity being investigated by the Council. Where an allegation is made about a member, the matter should be referred to the police and/or the Public Standards Commissioner.

Scope

This policy and procedure applies to all employees, members, workers, agents and any associated persons and organisations performing services on behalf of the Council.

Definition of bribery

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.

Acts of bribery are designed to influence an individual in the performance of their duty and incline them to act dishonestly.

A bribe can take many different forms and could be a direct or indirect promise, offering or authorisation of anything of value, the offering or receipt of a payment, loan, fee, reward or other advantage or the giving of aid, donations or voting designed to exert improper influence.

Unacceptable behaviour

The following would be regarded as unacceptable behaviour by employees, members, workers, agents and any associated persons performing services on behalf of the Council and must not occur:-

- Accepting or requesting a bribe, whether financial or other reward, from any person or organisation in return for providing some favour.
- Offering a bribe, whether financial or other reward, to any person or organisation in return for providing some favour.
- The making or accepting of any facilitation payments, which are unofficial payments made to government officials (including Council officials) for carrying out or speeding up routine procedures.

Responsibility to report bribery

Employees, members, workers, agents and associated persons performing services on behalf of the Council are required to assist and to remain vigilant in preventing, detecting and reporting bribery. In the case of employees and workers, they are expected to report any concerns of actual or suspected bribery to their line manager as soon as possible. Associated persons would report any concerns to an appropriate Council senior manager (in the case of members, this should be the monitoring officer).

Any person making a report of actual or suspected bribery in good faith will be given appropriate support and a prompt and thorough investigation would be carried out into the matter.

An alternative route for employees and workers to report an act of bribery is through the use of the Whistleblowing policy. This is contained in section 10.12 of the local conditions of service on the Zone and is also available from line managers.

Breaches of the policy

The Council will fully investigate any instances of alleged or suspected bribery through the Managing Discipline procedure in the case of employees. Where bribery is found to have occurred this will likely result in a finding of gross misconduct and immediate dismissal. This is also reflected in the Employee Code of Conduct. In the case of a casual or relief worker they would immediately be removed from the relief/casual pool and no longer used. Where an allegation is made about a member, this should be referred to the police and/or Public Standards Commissioner.

The Council may terminate the contracts of any associated persons or organisations, including consultants, who act on behalf of or perform services for the Council, who are found to have breached this policy.

Gifts and Hospitality

Details of the Council's rules on gifts and hospitality are contained under Regulation 8 in the Financial Procedures and Regulations which can be found on the Zone and are also available from line managers. There is also a procedure for gifts and hospitality which again can be found in the Financial Procedures and Regulations on the Zone and is also available from line managers. All employees and workers should familiarise themselves with the content of the rules on gifts and hospitality and strictly adhere to these rules and procedure. Members are responsible for registering gifts and hospitality which they receive under the Code of Conduct for Councillors.

Risk Management

Heads of Service are responsible for ensuring that risk management arrangements are in place in their service area to prevent, detect and prohibit bribery. Risk assessments will be undertaken for each of the Council's key business activities with individuals identified who may be at most risk of being exposed to bribery. This includes those involved in high value projects, purchasing products and services, making recommendations to committees and in overseas activities etc.

Communication

Heads of Service are responsible for communicating this policy to employees and across the workforce and also to associated persons undertaking work on behalf of the Council. Training will be provided to appropriate employees who have been identified through risk assessment as being at potential risk of

exposure to bribery, through an On-line Interactive Learning (OIL) course. The Corporate Governance service will arrange for the appropriate communication of the policy to members.

Monitoring Officer

The Council's monitoring officer will have responsibility for overseeing the organisation's compliance with the provisions of the Act.

Review of the policy

The Human Resources and Organisational Development Service will review this policy every 3 years. It will, nevertheless, be subject to continual review and amendment in light of experience of its operation, employment best practice and statutory requirements. Changes will only be made following normal consultation arrangements.