

<b>Audit Committee</b>	<b>Agenda Item:</b>
<b>Meeting Date</b>	<b>19 September 2011</b>
<b>Report Title</b>	<b>Implementation of Bribery Act 2010</b>
<b>Portfolio Holder</b>	<b>Cabinet Member for Finance and Performance: Cllr Duncan Dewar-Whalley</b>
<b>SMT Lead</b>	<b>Mark Radford, Director of Corporate Services</b>
<b>Head of Service</b>	<b>Nick Vickers, Head of Finance</b>
<b>Lead Officer</b>	<b>Nick Vickers, Head of Finance</b>
<b>Recommendations</b>	1. Note the contents of the report and confirm the Council's commitment to the highest standards of personal and professional conduct, including a policy of zero tolerance towards bribery;
	2. Note the Policy Statement (appendix I);
	3. Note the Compliance Action Plan (appendix II);
	4. Note the Initial Risk Assessment (appendix III).

## **1 Purpose of Report and Executive Summary**

- 1.1 The Bribery Act 2010 (the Act) came into force on 1 July 2011 following the issue of detailed guidance by the Justice Department on 31 March 2011. This report outlines the main provisions of the Act and describes the actions identified as necessary to ensure that the Council complies with the provisions of the legislation.
- 1.2 A draft anti-bribery policy, detailed action plan and an initial risk assessment with defined control measures have been produced as part of this report. These are attached as appendices. The report and required actions are based on a proportionate response to the requirements of the Act.

## **2 Background**

### **Introduction**

- 2.1 The Act came into force on 1 July 2011 and reformed the criminal law on bribery. It provides a new consolidated scheme of offences to cover bribery in the United Kingdom and abroad and replaces the previous statutory and common law offences.
- 2.2 The Act creates four prime offences:
  - Sections 1 and 2 – General offences covering the offering, promising or giving a bribe and requesting, agreeing or accepting a bribe;
  - Section 6 – Bribery of a foreign public official; and

- Section 7 – A new corporate offence of failure by a commercial organisation to prevent a bribe being paid for or on its behalf.

2.3 The penalties have been raised significantly and are severe. An offence committed by a corporate body is punishable with a fine which may be unlimited. An individual guilty of an offence would be liable to imprisonment for up to 10 years or to a fine, or to both.

### **Implications**

2.4 It is clear that any offences under Sections 1 and 2 are relevant to the Council and relate to companies, public bodies and individuals. The new corporate offence under Section 7 relates to commercial organisations.

2.5 In general, a public body would not be classed as a commercial organisation although the guidance on the Act is unclear on this definition. Section 7 may apply where a public body has an interest in an incorporated business, uses arms-length arrangements, partnerships or joint ventures as a service delivery function or carries out activities which are akin to running a business. The considered opinion and advice is that Section 7 of the Act will apply to public bodies.

2.6 The Act places a strict liability on organisations under Section 7 whether the organisation knew about the bribe or not. The only defence available is that the organisation has in place adequate procedures designed to prevent persons associated with it undertaking acts of bribery. It is therefore prudent for the Council to implement the suggestions in the guidance issued by the Ministry of Justice.

### **Guidance**

2.7 The guidance from the Ministry of Justice is not prescriptive but is of general application. It is important that the Council consider what adequate procedures are most appropriate given the risks faced and the way business is conducted. The emphasis is on proportionality. Clear procedures, policies and processes will be required but these should be proportionate to the risk posed.

2.8 A risk based approach will focus effort where it is needed and will have the most impact. However, it is clear that “adequate procedures” represent an iterative process to meet changing conditions and will go beyond the simple publication of a policy condemning bribery and corruption.

2.9 The various policies and procedures covering conduct need to be reviewed to ensure they reflect the provisions in the Act and represent good governance arrangements. They should further reinforce the Council’s existing stance that fraud and corruption will not be tolerated under any circumstances.

2.10 The use of the Ministry of Justice guidance to benchmark its anti-bribery policy and procedures should provide an assurance on good practice within the Council and demonstrate adequate procedures.

2.11 The Guidance sets out six principles to combating bribery as follows:

- The need for a risk assessment to identify specific areas at risk from bribery and to use this information to design and implement any programme accordingly;
- a top level commitment from senior management to make it clear that bribery is never acceptable and that there is an effective programme in place to prevent bribery;

- developing clear, practical and accessible policies, procedures and controls to provide a reasonable assurance that the objectives stated in the commitment and programme will be achieved;
- the adoption of good due diligence practices in the selection and monitoring of partners, contractors, agencies and business relationships to ensure that processes are transparent and properly conducted; and
- the need for an effective monitoring, review and reporting process to ensure compliance with the policies, procedures and controls in place.

### **3 Proposal**

#### **Findings and Action Required**

- 3.1 A review of the relevant Council policies, procedures and business practices has been carried out to assess the changes required to ensure these satisfy the requirements of the Act and provide adequate protection.
- 3.2 The Council already has excellent governance arrangements in place where honesty, integrity, openness and transparency are key attributes. The requirements in the guidance on the Act are not new and the definitions covering bribery are similar to concepts of fraud and corruption already contained in the existing policies, codes of conduct and directions published by the Council. The Council's approach to dealing with the effects of the Act should be to compliment the way the risk of fraud and corruption is managed.
- 3.3 While the policies and procedures are sufficiently robust, changes are required to the detail, application and wording to ensure these make reference to the Act rather than other legislation which has now been repealed.
- 3.4 A draft Anti-Bribery Policy has been prepared to support the existing policies and to provide a clear and consistent statement on the Council's approach to compliance with the Act. This policy is attached to the report at **Appendix I**.
- 3.5 The policy needs to be approved by the Cabinet and SMT to demonstrate a top level commitment by the Council to establish a culture and working arrangements where bribery is unacceptable. The policy will be a public document and needs to be communicated and applied to everyone employed or involved with the Council and to relevant business partners. The responsibility for achieving an increased awareness through a corporate programme of communication, publicity and training should be allocated.
- 3.6 The Council should ensure that there are reciprocal anti-corruption and bribery measures in place with its major partners and suppliers.
- 3.7 The various policy and procedure documents are held in a number of locations within the Council's intranet or on the public web site. Not all the relevant documents or references are located easily through the search facility. A central repository of policy and procedure documents should be established. A policy register is available but this is not complete and older versions have not been deleted. Document links are either absent or not updated. The policy register should be properly maintained to clearly show the current position on all documents and provide an active link to the current document.
- 3.8 The assessment of the risks that may arise through bribery should follow the Council's existing risk management framework at a strategic and operational level. The identification of specific bribery risks and the control measures in

place or required to effectively manage assessed risks will be part of the process to ensure that adequate procedures to prevent bribery are in place.

- 3.9 As part of this report a brief, advance assessment of the potential risks arising from bribery has been carried out with an indication of the appropriate control measures in place or recommended. It provides an initial assurance on compliance with the Act and suggests that there is a limited risk of bribery across the council. The main risk comes from a Section 2 offence of accepting a bribe.
- 3.10 However, the Council's risk management arrangements will still be required to continue to give consideration to the operational risks arising from bribery as part of the normal risk assessment process. A table showing the results of this initial assessment is attached at **Appendix III**.
- 3.11 Compliance with the Act should be monitored through the risk management process and Internal Audit review. The Annual Governance Statement provides an assurance on internal controls and in the future should include an assessment of the provisions made to monitor and control the risks associated with fraud, bribery and corruption. This statement will reinforce the top level commitment made by the Council to combating these areas. Any investigations into bribery should be reported to the Audit Committee, as with other audits carried out throughout the year.
- 3.12 A detailed plan has been prepared to support this report showing those areas where action will be required to ensure compliance with the provisions of the Act. This is attached at **Appendix II**.

### **Conclusion**

- 3.13 The action described in this report and appendices are intended to be a proportionate response to the requirements of the Bribery Act. Compliance with the various policies and procedures should be mandatory and appropriate sanctions should apply for violations of the policies. The policies, procedures and controls should be communicated across the Council including Members, staff and appropriate partners.
- 3.14 This will demonstrate the serious manner in which the Council takes its responsibilities in ensuring effective control arrangements are in place to combat fraud and corruption including offences under the Bribery Act. The adoption of adequate procedures should also establish the statutory defence for the new corporate offence.

## **4 Alternative Options**

- 4.1 There are no alternative options available as failure to comply with the Act may result in the Council, Members, staff or associates being exposed to a criminal liability.

## **5 Consultation Undertaken or Proposed**

- 5.1 None required

## 6 Implications

Issue	Implications
Corporate Plan	The adoption of this report will represent best practice as expected from a high performing council.
Financial, Resource and Property	Any additional costs for training or awareness sessions should be able to be provided from within existing budget provision as information on Bribery will be added to existing training and induction courses covering fraud and corruption.
Legal and Statutory	Contained in the report
Crime and Disorder	The need to comply with statutory provisions.
Risk Management and Health and Safety	Compliance will ensure that the reputational and legal risks are contained and minimised and the Council, Members, employees and key partners are properly protected from criminal liability.
Equality and Diversity	None
Sustainability	None

## 7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report
- Appendix I: Draft Bribery Act 2010 – Policy Statement
  - Appendix II: Bribery Act 2010– Compliance – Action Plan
  - Appendix III: Bribery Act 2010 - Initial Risk Assessment and control measures

## 8 Background Papers

- 8.1 The Bribery Act 2010, Ministry of Justice – Bribery Act 2010 – Guidance.

**Appendix I**



**BRIBERY ACT 2010  
POLICY STATEMENT**

Version 1 - 15 July 2011.

## **Introduction**

1. This policy is introduced to ensure compliance with the Bribery Act 2010. It explains the process through which the Council intends to maintain its high standards and to protect the organisation, employees, Members and business partners against any allegations of bribery and corruption.
2. It is the Council's policy to conduct business in an honest and open way, and without the use of corrupt practices or acts of bribery to obtain an unfair advantage. The Council attaches the utmost importance to this policy and will apply a "zero tolerance" approach to acts of bribery and corruption by any of our Members, employees, or business partners acting on our behalf. Any breach of this policy will be regarded as a serious matter and is likely to result in disciplinary action.

## **Policy Statement**

3. Bribery is a criminal offence. The Council will not pay bribes, or offer improper inducements to anyone for any purpose, nor will the Council accept bribes or improper inducements. The use of a third party to channel bribes is also a criminal offence. The Council will not engage indirectly in or otherwise encourage bribery.
4. The Council is committed to ensuring compliance with the highest legal and ethical standards. The Council will commit to policies and procedures to prevent, deter, and detect acts of bribery. The Council will ensure that anti-bribery compliance is an essential aspect of its governance process and at the core of its business principles. It is an on-going process and not a one-off exercise.

## **Objective**

5. The policy presents a clear and precise framework to understand and implement the arrangements required to ensure compliance with the Bribery Act 2010. It provides the context for the detailed rules, procedures and controls in place. It should provide no room for misinterpretation and ensures that Members, employees and business partners know what is expected of them in preventing bribery.
6. The policy should be read in conjunction with and reinforce other related key policies and documents. The provisions in these policies and documents should be reflected in every aspect of the way the Council operates. The requirement to act honestly and with integrity at all times is made clear and is fundamental and non-negotiable.
7. The policy explains the procedures established to prevent acts of bribery and allow any breach to be identified and reported.

## **Scope**

8. The policy applies to all of the Council's activities. The Council requires that all Members (including independent Members), employees at all levels and grades, temporary and agency staff, contractors, agents, consultants and partners acting on the Council's behalf comply with the provisions of this policy. We will also seek to promote the adoption of reciprocal anti-bribery and corruption measures that are consistent with the Council's policy by joint venture partners and major suppliers.
9. The responsibility to mitigate the risk of bribery resides at all levels of the Council and includes all business units, directorates and corporate units. It does not rely solely on the Council's assurance functions.

## **Policy Commitment**

10. The Council commits to:
  - Setting out a clear anti-bribery policy and to keep this up-to-date with annual reviews;
  - making all Members, employees and partners aware of their responsibilities to adhere to this policy at all times;
  - where appropriate to provide training to allow Members, employees and partners to recognise and avoid the use of bribery by themselves or others;
  - encourage Members, employees and partners to be vigilant and to report any suspicions of bribery;
  - provide suitable channels of communication (Protected Disclosure Policy) to ensure that sensitive information is handled appropriately;
  - investigate instances of alleged bribery and assist the police and other authorities in any prosecution;
  - take action against anybody acting for or on behalf of the Council who is involved in bribery;
  - report breaches and suspected breaches of this policy to Members, employees and partners in an open and transparent way; and
  - include appropriate clauses in contracts with suppliers to advise on the Council's approach to the provisions of the Bribery Act 2010.

## **The Bribery Act 2010**

11. The Bribery Act was introduced to update and enhance UK law on bribery. It introduces a strict liability corporate criminal offence of failing to prevent bribery. The only defence against this corporate offence is that organisations have adequate procedures in place to prevent bribery.
12. The Act creates four prime offences:

- Two general offences covering the offering, promising or giving an advantage, and requesting, agreeing to receive or accepting of an advantage;
  - an offence of bribery of a foreign public official; and
  - a new offence of failure by a commercial organisation to prevent a bribe being paid to obtain or retain business or a business advantage.
13. Acts of bribery are intended to influence an individual or organisation in the performance of their duty and for them to act illegally.
14. The penalties under the Bribery Act have been raised significantly and are severe. The new corporate offence is punishable with a fine which may be unlimited. An individual guilty of an offence would be liable to imprisonment for up to 10 years or to a fine, or to both.
15. The Council accepts that public bodies may be classed as a “commercial organisation” in relation to the corporate offence of failing to prevent bribery because of the business relationships and partnerships it has in place. In any event, it represents good governance and practice to have adequate procedures in place to protect the Council, Members, employees and partners from reputational and legal damage. It is in the interests of everybody connected to the Council to act with propriety at all times.

### **Council Procedures on the Bribery Act**

16. The Council will follow the guidance issued by the Ministry of Justice. The action is intended to be proportionate to the risks faced by the Council and to the nature, scale and complexity of the Council’s activities. They are expected to provide a defence of “adequate procedures” against any corporate offence. The following steps will be taken:
- **Top Level Commitment** – The Cabinet and SMT are committed to preventing bribery by persons associated with the Council. A report on the Bribery Act 2010 and this policy has been approved by the Council’s Cabinet and SMT and by the Council’s Audit Committee.
  - **Risk Assessment** – The nature and extent of the Council’s exposure to external and internal risks of bribery are assessed as part of the Council’s risk management process. The risk assessment is intended to be an on-going process regular communication and review.
  - **Due Diligence** – A proportionate and risk based approach will be taken in respect of persons and other organisations that perform services for or on behalf of the Council. Due diligence will include an evaluation of the background, experience and reputation of business partners. The transactions will be properly monitored and written agreements and contracts will provide references to the Bribery Act and this policy. Reciprocal arrangements may be required for business partners to have their own policies in place. They will be advised of the Council’s policy and be expected to operate at all times in accordance with the policy.

- **Communication** – The Council will ensure that the Bribery Act Policy and other related key policies and procedures are embedded in the organisations working arrangements through appropriate communication, including training, which is proportionate to the risks the Council faces. The Council’s induction programme will include reference to the Bribery Act and the Council’s policy.
  - **Monitoring and Review** – The Bribery Policy, control arrangements, risk management processes, and other related key policies and procedures designed to prevent bribery and corruption will be monitored, reviewed and improved where necessary on a regular basis. All incidents of bribery or suspected bribery will be reported to the Council’s Audit Committee. An assurance of compliance will be included in the Annual Governance Statement.
15. In the context of this policy it is unacceptable for persons acting for or on behalf of the Council to:
- Give, promise to give, or offer a payment, gift 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 a payment, gift or hospitality to a government official, agent or representative to “facilitate” or expedite a routine procedure;
  - accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
  - accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by the Council in return;
  - retaliate against or threaten a person who has refused to commit an act of bribery or who has raised concerns under this policy; and
  - engage in any activity in breach of this policy.

## **Gifts and Hospitality**

16. This policy is not intended to change the requirements of the Council’s Gifts and Hospitality policies and procedures. This is contained in the Officers Code of Conduct and Guide and in the Members Code of Conduct in the Council’s Constitution.
17. The guidelines clearly set out the restrictions on accepting gifts and hospitality, the need to inform the service director and the need to register any gifts retained which may be approved.
18. If there is any doubt about whether an invitation or gift should be accepted then the offer should be refused. The Chief Executive and each Director is required to review their respective Gifts and Hospitality registers every three months. The Monitoring Officer will also ensure that reminders on this subject and the need for officers to complete a Register of Interests form are sent out every year.

19. The procedures for Members registers of interest are set out in the Members Code of Conduct.

### **Public Contracts**

20. Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK) a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence. It is understood there are no plans to amend the 2006 regulations for these to include the crime of failure to prevent bribery. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts. The Council will use its discretion as to whether to exclude organisations convicted of this offence and any instances where this is the case will be reported to the Executive Committee for a decision.

### **Member, staff and partner Responsibilities**

21. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Council or acting for or on its behalf. All Members, staff and partners are required to avoid activity that breaches this policy. Adherence to the Policy is mandatory.
22. Members, staff and partners must:
  - Ensure that they have read, understood and comply with the Bribery Policy; and
  - raise concerns as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future.
23. In addition to the possibility of criminal prosecution, members of staff that breach the policy will face disciplinary action, which could result in summary dismissal for gross misconduct.

### **Raising a concern**

24. The Council has published a Protected Disclosure Policy also known as Whistle Blowing. This provides information on the courses of action available to report serious concerns (including bribery) in confidence. Members, staff or partners who refuse to accept or offer a bribe can be worried about the repercussions. The Council aims to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken.
25. The Council are committed to ensuring that nobody suffers detrimental treatment through refusing to take part in bribery.

### **Review of the Bribery Act Policy**

26. It is the responsibility of the Monitoring Officer to routinely refresh, review and reinforce this policy and its underlying principles and guidelines. All members of staff are responsible for reading and understanding this policy which will also form part of the induction programme.

## **Other relevant policies**

27. The following policies, procedure documents and codes of conduct should be read in conjunction with the Bribery Act Policy:

- A Strategy to Safeguard against Fraud and Corruption
- Anti-Money Laundering Policy
- Protected Disclosure Policy
- Officers Code of Conduct and Guide
- Disciplinary Procedure Document
- Members Code of Conduct
- Contract Standing Orders
- Constitution

## Bribery Act 2010: Compliance Action Plan

Item No.	Summary Action	Detail	Responsibility	Date for Completion
1.	Report to SMT	The Council's commitment to a "zero tolerance" on bribery should be communicated by the Chief Executive on the Council's intranet following the SMT meeting and agreement to the recommendations in the report. This should include a reference to the Bribery Act Policy included with the report.	Head of Finance	30 September 2011
2.	Risk Management – Review of bribery risks	<p>The report has identified a brief, initial assessment of areas where the risk of bribery is considered high together with the control measures in place to mitigate this risk. This was done to inform SMT and place the risk of bribery in context for the report.</p> <p>The risk management process taking place later in 2011 should now include a full bribery risk assessment identifying all operational risks and the appropriate control measures in place or planned.</p>	Head of Audit Partnership	31 March 2012
3.	Bribery Act Policy	The document should be assigned to a manager responsible for ensuring it is updated annually and made available on the Council's Intranet site.	Head of Finance	30 September 2011
4.	Council Policies and Procedures - Staff	<p>All the relevant policies and procedures will need to be amended by the document owners to reflect the information in the Bribery Act Policy and to make clear reference to the Bribery Act and the Councils Policy Document.</p> <p>These include:</p>	Heads of Service (Head of Finance to coordinate)	31 December 2011

## Bribery Act 2010: Compliance Action Plan

Item No.	Summary Action	Detail	Responsibility	Date for Completion
		<ul style="list-style-type: none"> <li>• Probationary Review and Induction Process Guide</li> <li>• Recruitment and Selection Information and Applications</li> <li>• Officers' Code of Conduct and Guide</li> <li>• Disciplinary Procedures Document</li> <li>• Contract Standing Orders</li> <li>• Purchasing Strategy and Guide</li> <li>• Standard Conditions of Contract</li> <li>• Form of Tender and Declarations</li> <li>• Strategy to Safeguard against Fraud and Corruption</li> <li>• Anti-money Laundering Policy</li> <li>• Protected Disclosure Policy (Whistle Blowing)</li> </ul> <p>SMT should allocate responsibility to a senior manager for ensuring that all these documents are amended by the document owners and recorded on the Policy Register.</p>		
5.	Application Forms	<p>A number of application forms in use already make reference to declarations of interest or relationships and fraud and corruption awareness.</p> <p>These will include:</p> <ul style="list-style-type: none"> <li>• Awarding licences and permits</li> </ul>	Relevant Heads of Service	31 December 2011

## Bribery Act 2010: Compliance Action Plan

Item No.	Summary Action	Detail	Responsibility	Date for Completion
		<ul style="list-style-type: none"> <li>• Planning Applications and Building Regulations</li> <li>• Housing administration</li> <li>• Assessment of benefits, grants and other entitlements</li> <li>• Council Tax and NNDR</li> </ul> <p>The relevant manager should assess the application forms in use and consider if amendments are required to reflect the Bribery Act Policy.</p>		
6.	Constitution	<p>The Council's Constitution needs to be reviewed and sections adapted to reflect the details contained in the Bribery Act Policy.</p> <p>The changes need to reflect the other source documents prepared separately but included in the Constitution.</p>	Director of Corporate Services	31 August 2011
7.	Partnership Agreements/ Joint Ventures/ Service Provision Vehicles/ Sponsorship/ Regeneration arrangements	The documentation in respect of these areas should be reviewed to ensure that the details of the Bribery Act Policy and the Council's approach to bribery are detailed.	Directors, Heads of Service	31 March 2012
8.	Develop information pages on the Council's Intranet.	The Bribery Act Policy needs to be publicised on the Council's Intranet pages together with the other related key policies changed to reflect the Bribery Act.	Head of Corporate Strategy and Communications	30 September 2011

## Bribery Act 2010: Compliance Action Plan

Item No.	Summary Action	Detail	Responsibility	Date for Completion
9.	Communication and reporting – internal and external	<p>The methods to be used for publicising the implications of the Act and the Council's Bribery Act Policy. This will include internal and external communication to ensure all interested parties are aware of the Council's message of zero tolerance on bribery.</p> <p>The responsibility for achieving an increased awareness through a corporate programme of communication, publicity and training should be allocated.</p>	Head of Corporate Strategy and Communications/ Head of Finance	30 September 2011
10.	Reciprocal arrangements	Consider the need to ask for reciprocal arrangements with the Councils major suppliers, service provision companies and partnerships to ensure their own policies and procedures reflect the Council's stance on bribery and the Bribery Act Policy.	Head of Commissioning and Customer Contact	31 December 2011
11.	Audit Committee, Standards Committee – reporting requirements.	The Bribery Act has implications for Members of the council. SMT should consider issuing a summary report for the Audit Committee to inform them of the requirements of the Act and the Council's Policy and the action being taken.	Head of Finance	14 December 2011
12.	Annual Governance Statement	The Annual Governance Statement will include details and an assurance of compliance with the Bribery Act. Annual statements and questionnaires need to be amended to cover bribery risks and action taken.	Head of Finance	30 June 2012

## Bribery Act 2010: Initial Risk Assessment and Control Measures

The initial risk assessment attempts to identify those areas at risk from acts of bribery. It shows the assessed risk without mitigating controls and assessed risk based on the controls identified. If the report to SMT is accepted, the Bribery Act Policy approved and the action plan put into effect it is expected that the risks from bribery will be significantly reduced.

The assessment suggests that there is a limited bribery risk across the council. **The most likely offence is that of the Council's staff being bribed. The risk of the Council being prosecuted for failing to prevent staff, agents or partners bribing others on behalf of the organisation is LOW.**

The continuing risk assessment process as part of the risk management strategy and the continued reinforcement of the various policies through communication and training will provide an assurance that the risks of bribery – in all contexts - remain low.

The response to the provisions of the Bribery Act is proportionate and the changes to the administrative arrangements are minimal. The provision of “adequate procedures” will therefore satisfy the requirements of the Act.

Uncontrolled Risk – assume NO controls in place				Controlled Risk – with controls in place			
Risk	Impact	Probability	Risk Rating	Risk Control Measures	Impact	Probability	Risk Rating
<b>Governance:</b> Bribery or attempted Bribery of an officer or Member of the Council. Significant financial loss, reputational damage or legal action due to bribery or attempted bribery.	High	Likely	High	<ul style="list-style-type: none"> <li>• Bribery Act Policy and Procedures</li> <li>• Code of Conduct – Members and Officers</li> <li>• Strategy to safeguard against Fraud and Corruption</li> <li>• Protected Disclosure Policy</li> <li>• Staff Induction Programme</li> <li>• Internal Management Controls – Financial and other Standing Orders. Applied approval levels for expenditure and tenders.</li> <li>• Transparency – reporting payments above £500</li> <li>• Council's Constitution</li> <li>• Internal Audit Annual Plan and Programme</li> <li>• Audit Committee</li> <li>• Overview and Standards Committee</li> </ul>	High	Unlikely	Low
<b>Governance:</b> Risk of bribery during the procurement of significant contracts for the supply of goods	High	Likely	High	<ul style="list-style-type: none"> <li>• Bribery Act Policy and Procedures</li> <li>• Officers' Code of Conduct and</li> </ul>	Low	Unlikely	Low

## Bribery Act 2010: Initial Risk Assessment and Control Measures

Uncontrolled Risk – assume NO controls in place				Controlled Risk – with controls in place			
Risk	Impact	Probability	Risk Rating	Risk Control Measures	Impact	Probability	Risk Rating
or services.				<ul style="list-style-type: none"> <li>Contract Standing Orders</li> <li>Internal Management Controls - Financial Standing Orders – tender approval limits and process</li> <li>Transparency – reporting payments above £500</li> <li>Protected Disclosure Policy</li> <li>Strategy to safeguard against Fraud and Corruption</li> </ul>			
<b>Governance:</b> Risk of Bribery during the allocation of work under a contract (including sub contracts)	High	Likely	High	<ul style="list-style-type: none"> <li>Bribery Act Policy and Procedures</li> <li>Officers' Code of Conduct</li> <li>Contract Standing Orders</li> <li>Internal Management Controls – Financial Standing Orders - approval levels.</li> <li>Transparency – reporting payments above £500</li> <li>Protected Disclosure Policy</li> <li>Strategy for safeguarding against Fraud and Corruption</li> </ul>	Low	Unlikely	Low
<b>People:</b> Risk of bribery during the recruitment and employment process	Medium	Unlikely	Low	<ul style="list-style-type: none"> <li>Bribery Act Policy</li> <li>Internal Controls – selection procedures</li> <li>Application forms and job information</li> <li>Protected Disclosure Policy</li> <li>Training procedures</li> </ul>	Low	Unlikely	Low
<b>Financial:</b> Risk of bribery to cancel, reduce, defer or write off liabilities (e.g. Business Rates, Council Tax, Sundry Debtors, Housing Benefit Overpayments).	High	Likely	High	<ul style="list-style-type: none"> <li>Bribery Act Policy</li> <li>Internal Controls – Financial Standing Orders, write off levels and procedures, approval processes</li> <li>Officers' Code of Conduct including</li> </ul>	Low	Unlikely	Low

## Bribery Act 2010: Initial Risk Assessment and Control Measures

Uncontrolled Risk – assume NO controls in place				Controlled Risk – with controls in place			
Risk	Impact	Probability	Risk Rating	Risk Control Measures	Impact	Probability	Risk Rating
				annual declarations of interest <ul style="list-style-type: none"> <li>• Strategy for safeguarding against Fraud and Corruption</li> <li>• Protected Disclosure Policy</li> <li>• Training Procedures</li> </ul>			
<b>Financial:</b> Risk of bribery during the process for approving or rejecting planning applications.	High	Likely	High	<ul style="list-style-type: none"> <li>• Bribery Act Policy</li> <li>• Officers' Code of Conduct</li> <li>• Internal Controls – approval processes and reporting requirements.</li> <li>• Planning and Development Frameworks</li> <li>• Strategy for safeguarding against Fraud and Corruption</li> <li>• Protected Disclosure Policy</li> <li>• Declarations of Interest on application forms</li> </ul>	Low	Unlikely	Medium
<b>Financial:</b> Risk of bribery for the provision of a concession or benefit for personal gain (Parking Permit, Concessionary Travel Permit, Housing allocations and grants, loans, rent deposits etc.)	Low	Likely	Medium	<ul style="list-style-type: none"> <li>• Bribery Act Policy</li> <li>• Officers' Code of Conduct</li> <li>• Various Housing Strategies and procedures documents.</li> <li>• Internal Controls – approval processes and reporting requirements.</li> <li>• Strategy for safeguarding against Fraud and Corruption</li> <li>• Protected Disclosure Policy</li> <li>• Register of Interests</li> </ul>	Low	Unlikely	Low
<b>Financial:</b> Risk of Bribery during the process for letting commercial properties.	Low	Likely	Medium	<ul style="list-style-type: none"> <li>• Bribery Act Policy</li> <li>• Officers' Code of Conduct</li> <li>• Internal Controls – Financial</li> </ul>	Low	Unlikely	Low

**Bribery Act 2010: Initial Risk Assessment and Control Measures**

Uncontrolled Risk – assume NO controls in place				Controlled Risk – with controls in place			
Risk	Impact	Probability	Risk Rating	Risk Control Measures	Impact	Probability	Risk Rating
				Standing Orders, approval processes and reporting requirements. <ul style="list-style-type: none"> <li>• Strategy for safeguarding against Fraud and Corruption</li> <li>• Protected Disclosure Policy</li> </ul>			
<b>Financial:</b> Risk of bribery on regeneration projects and negotiations.	High	Likely	High	<ul style="list-style-type: none"> <li>• Bribery Act Policy</li> <li>• Requirement for major suppliers and partners to have reciprocal arrangements on bribery to mirror the Council's policy.</li> <li>• Internal Controls – Financial Standing Orders, Contract Standing Orders, tendering arrangements, approval limits and reporting requirements</li> <li>• Officers' Code of Conduct</li> <li>• Protected Disclosure Policy</li> <li>• Strategy for safeguarding against Fraud and Corruption</li> <li>• Register of Interests</li> </ul>	Medium	Unlikely	Low
<b>Financial:</b> Risk of bribery during the process for the administration of investments.	High	Likely	High	<ul style="list-style-type: none"> <li>• Bribery Act Policy</li> <li>• Treasury Management Strategy</li> <li>• Internal controls – financial standing orders, approval process and limits, reconciliations and reporting standards</li> <li>• Officers' Code of Conduct</li> <li>• Strategy for safeguarding against Fraud and Corruption</li> <li>• Money Laundering Policy</li> <li>• Protected Disclosure Policy</li> </ul>	High	Unlikely	Low

## Bribery Act 2010: Initial Risk Assessment and Control Measures

Uncontrolled Risk – assume NO controls in place				Controlled Risk – with controls in place			
Risk	Impact	Probability	Risk Rating	Risk Control Measures	Impact	Probability	Risk Rating
<b>Legislative:</b> Risk of bribery to avoid enforcement action (e.g. Building Control, Environmental Health, Food standards)	Low	Likely	Low	<ul style="list-style-type: none"> <li>• Bribery Act Policy</li> <li>• Internal controls – reporting standards, approval process</li> <li>• Officers' Code of Conduct</li> <li>• Strategy for safeguarding against Fraud and Corruption</li> <li>• Protected Disclosure Policy</li> </ul>	Low	Unlikely	Low
<b>Governance:</b> Risk of Bribery in order to obtain a licence	Low	Likely	Low	<ul style="list-style-type: none"> <li>• Bribery Act Policy</li> <li>• Internal controls – approval processes and reporting standards</li> <li>• Officers' Code of Conduct</li> <li>• Strategy for safeguarding against Fraud and Corruption</li> <li>• Protected Disclosure Policy</li> </ul>	Low	Unlikely	Low
<b>Governance:</b> Risk of bribery resulting from the award of a franchise or other concession	Low	Likely	Low	<ul style="list-style-type: none"> <li>• Bribery Act Policy</li> <li>• Internal controls – Financial Standing Orders, approval processes and reporting standards</li> <li>• Officers' Code of Conduct</li> <li>• Strategy for safeguarding against Fraud and Corruption</li> <li>• Protected Disclosure Policy</li> </ul>	Low	Unlikely	Low