



# Anti-bribery Policy Statement and Anti-fraud and Corruption Strategy

Ilfracombe Town Council

## 1 Introduction

The Bribery Act 2010 which has been enacted represents the biggest change in UK laws in this area of business for many generations.

There are a new set of risks to navigate with the introduction of legislation.

The Act introduces a new crime of “failure to prevent” bribery, which means that companies unable to demonstrate that they have implemented “adequate procedures” to prevent corrupt practices within their ranks, or by third parties on their behalf, could be exposed to unlimited fines.

Ilfracombe Town Council values its reputation for ethical behaviour and for financial probity and reliability.

It recognises that over and above the commission of any crime, any involvement in bribery will also reflect adversely on its image and reputation.

The purpose of this Policy Statement is to set out for Members and employees of the Town Council with the aim of limiting Ilfracombe Town Council’s exposure to bribery by:

- Setting out a clear anti-bribery policy;
- Training all employees and members so that they can recognise and avoid the use of bribery by themselves and others;
- Encouraging its employees to be vigilant and to report and suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately;
- Rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution;
- Taking firm and vigorous action against and individual(s) involved in bribery.

## 2 Scope

This Policy Statement applies to Members, co-opted Members and all employees who work for the Council.

### **Ilfracombe Town 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 suited and whether they are a public official or body or private person or company

#### **By**

- Any individual employee, Member, agent or other person or body acting on the Council's behalf

#### **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, pecuniary or otherwise, for the individual or anyone connected with the individual.

### **3 Further Clarification**

The Council recognises that market practice varies across the areas in which it does business and what is normal and acceptable in one place may not be in another.

This Policy Statement prohibits any inducement which results in a personal gain or advantage to the recipient or any person or body associated with them, and which is intended to influence them to take action which may not be solely in the interests of the Council or of the person or body employing them or who they represent.

This Policy is not meant to prohibit the following practices providing they are customary in a particular market, are proportionate and are properly recorded:

- Normal and appropriate hospitality;
- The giving of a ceremonial gift on a festival or another special time;
- The use of any recognised fast track process which is available to all on a payment of a fee;
- The offer of resources to assist the person or body to make the decision more efficiently provided that they are supplied for that purpose only.

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 Town Clerk or the Programme Manager.

### **4 Employee and Member Responsibility**

The prevention, detection and reporting of bribery is the responsibility of all employees and members throughout the Council.

## Strategy:

1. The Town Council is committed to an effective Anti-fraud and Corruption Strategy to protect its integrity, its assets and ensure probity.
2. The ethos of the organisation is one of honesty and integrity, belief in the principles and practices of Best Value, and opposition to fraud and corruption.
3. All members of the Town Council are required to abide by Standing Orders as approved from time to time, the Code of Conduct, Financial Regulations and Councillor/Staff Protocol.
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 procurement.
6. All employees must register with the Town Clerk or Programme Manager any gifts or hospitality, above the de minimis 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 Town Council.
7. The Council will maintain 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 income and expenditure against forecasts;
  - Clearly defined capital and revenue guidelines;
  - Council credit card control for which the Town Clerk has delegated authority with the agreement of the Chairman of the F&GP Committee, or in their absence that of the Committee Vice Chairman, Mayor or Deputy Mayor for registered staff to use the Town Council credit card, where expenditure in question is acceptable under Council regulation, and where necessary for the efficient running of the Council and for best value. However, in no case may this be used for individual expenses to be reclaimed, or in excess of the credit limit agreed by Full Council.
8. The Council has an internal Auditor, who is independent and who will report back to the Council.
  9. A programme of regular internal audit is carried out in accordance with proper practices by selected members as determined from time to time as well as a programme of special investigations to include economy, efficiency and effectiveness of operations.
  10. The Town Council's operations, accounts, assets and systems are subject to an independent annual audit by an auditor appointed by the Audit Commission, following availability of the accounts for public inspection for the period prescribed by statute.
  11. The Grievance Procedure is available for use by any employee wishing to make a "qualifying disclosure" under the Public Interest Disclosure Act 1998.
  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 them to the Chairman of the Staffing Committee. Pending this, any employee making a “qualifying disclosure” must not discuss their suspicions with anyone.  
The Town Clerk and the Chairman of the Staffing Committee are empowered to decide when, or whether, any matters should be referred to the Police.
14.
  - 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 procedure.
15. At the end of any such investigations, whether there is Police involvement or not, a report will go to the Town Council and to the external auditors.
16. The Town Council supports the principle of continuous development for staff, especially those involved in the operation of internal control systems, to ensure that there is a culture of continuous improvement.
17. Any member of the public who believes there has been an incidence of fraud or corruption must submit the allegation in writing to the Town Clerk or Mayor, who will decide whether to initiate a formal investigation.
18. Any investigation conducted will be carried out in the method as recommended at that time by the Audit Commission and appropriate enforcement agencies.
19. Sections 11-15 to be read in conjunction with the Grievance Policy

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Adopted: 09/03/20

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