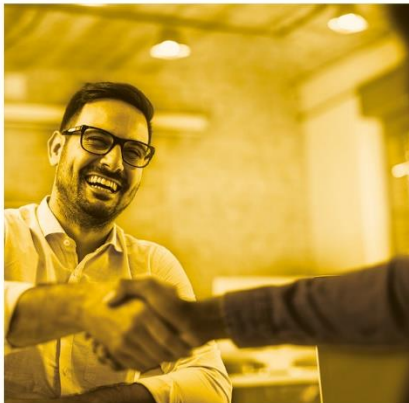




SURREY HEATH BOROUGH COUNCIL

Legal Services

Bribery Policy and Procedure



July 2025

Surrey Heath Borough Council
Knoll Road, Camberley GU15 3HD



1. Policy Statement – Anti-Bribery

Surrey Heath Borough Council is committed to conducting all its business in an honest, professional and ethical manner, and has a zero tolerance policy towards fraud, bribery and any form of dishonesty in its transactions.

The Council will uphold all laws relevant to countering bribery, fraud and corruption in all the jurisdictions in which it operates. A summary of the Bribery Act 2010 is attached at Appendix I.

Bribery and corruption are punishable for individuals by up to ten years imprisonment and /or an unlimited fine. The Council could also face prosecution and be liable to pay a fine.

Any allegation that an officer or elected member of the Council has acted in a manner that is illegal or inconsistent with this policy will be treated seriously, regardless of the seniority of those involved. Disciplinary action up to and including dismissal may result. Where it is believed that a criminal offence may have been committed, the police and other relevant bodies may be informed.

2. Bribery

A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage. The advantage sought or the inducement offered does not have to be financial or remunerative in nature, and may take the form of improper performance of an activity or function.



It is unacceptable for any officer or member of the Council (or someone on their behalf) to:

- 2.1. give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a personal or business advantage will be received, or to reward a personal or 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;
- 2.2. accept payment from a third party that they know or suspect is offered with the expectation that it will obtain a personal or business advantage for them;
- 2.3. accept a gift or hospitality from a third party if they know or suspect that it is offered or provided with an expectation that a personal or business advantage will be provided by the Council in return;
- 2.4. threaten another member of the Council who has refused to commit a bribery offence or who has raised concerns under this policy; or
- 2.5. engage in any activity that might lead to a breach of this policy.

An example of a personal advantage is given below:

A supplier gives a Service Head's son a job but makes it clear that in return they expect the Service Head to use their influence at work to ensure the supplier continues to do business with the Service Head's employer.

It is an offence for the supplier to make such an offer. It is also an offence for the Service Head to accept the offer as they would be doing so to gain a personal advantage (i.e. employment for their son).



3. Objective of this policy

This policy provides a coherent and consistent framework to enable Surrey Heath Borough Council employees to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also assist employees to identify and effectively report a potential breach.

The Council requires that all staff, including those permanently employed, temporary agency staff and contractors, promote a culture of honesty and integrity at all times and to safeguard the organisation's resources for which they are responsible.

4. Scope of this policy

Within the Council, the responsibility to control the risk of bribery occurring resides at all levels. It does not rest solely within assurance functions, but in all service areas and corporate functions.

This policy covers all staff, including all levels and grades, those permanently employed, temporary agency staff, contractors, agents, members (including independent members) volunteers and consultants.

This policy should be read in conjunction with other Surrey Heath policies and regulations, including:

- a. Financial Regulations;
- b. Contract Standing Orders;
- c. Consultancy Policy;
- d. Anti-fraud and corruption Strategy; and
- e. Terms and Conditions of Employment Code of Conduct for Officers



The policies at (a) to (f) will not apply to external agents or contractors, however external suppliers of services to the Council must still comply with this policy.

5. Surrey Heath Borough Council's commitment to action

The Council commits to;

- Setting out a clear anti-bribery policy and keeping it up to date.
- Making all employees aware of their responsibilities to strictly adhere to this policy.
- Provide adequate training to all employees so that they can recognise and avoid the use of bribery by themselves and others
- Encouraging all its employees to be vigilant and to report any 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 any individual involved in bribery
- Provide employees with information on how to report suspected breaches
- Include appropriate clauses in contracts to prevent bribery.



6. Facilitation payments

Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

7. Gifts and hospitality

This policy should be read in conjunction with the Council's Code of Conduct for Officers and the Code of Conduct for Members (as included within the Constitution of the Council

8. Record keeping

The Council must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

All Council staff must declare all hospitality or gifts and a written record kept in accordance with the Council's Financial Regulations.

All expenses claims relating to hospitality, gifts or expenses incurred to third parties must be submitted in accordance with the Council's Financial Regulations and specifically record the reason for the expenditure.

All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness.



9. Public contracts and failure to prevent bribery

Under the Procurement Regulations 2024, a company is automatically excluded and debarred from competing for public contracts where it is convicted of a corruption and bribery offence.

Ministry of Justice guidance states that organisations that are convicted of poor performance, including failing to prevent bribery are not automatically barred from participating in tenders for public contracts. The Council has the discretion to exclude organisations convicted of this offence.

Should any organisation with convictions for failing to prevent bribery respond to tenders to contract with the Council, it will be necessary for the Council to make an assessment as to the adequacy of the organisation's anti-bribery practices before deciding whether to proceed.

10. Staff responsibilities

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Council or under its control. All staff are required to avoid activity that breaches this policy. You must:

- ensure that you read, understand and comply with this policy
- raise concerns as soon as possible if you suspect there has been a breach of this policy

As well as the possibility of civil and criminal prosecution, staff that breach this policy will face disciplinary action which could result in dismissal for gross misconduct. Elected members who breach this policy will be referred to the Monitoring Officer.



11. Raising a concern

This Council is committed to ensuring that all of us have a safe, reliable and confidential way of reporting a concern.

We all have a responsibility to help detect, prevent and report instances of bribery. If you have a concern concerning an alleged offence, please do not delay in coming forward, your information and assistance will help.

If an individual is unsure whether a particular act constitutes bribery or corruption, they should discuss the matter with their line manager.

Concerns should be reported by following the procedure set out in the Council's Speak Up Policy which is available on Warbler.

Concerns can be reported anonymously. In the event that an incident of bribery, corruption or wrong doing is reported, we will act as soon as possible to evaluate the situation. We have a clearly defined Anti-Fraud and Corruption Strategy which sets out the procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind.

12. Monitoring and review

Responsibility for monitoring this policy rests with the Audit, Standards and Risk Committee, who will make any appropriate recommendations to the Executive and the Executive will decide on any changes. However, the Committee may delegate responsibility to the Head of Legal and Democratic Services to ensure that this policy is applied effectively.

Audit, Standards and Risk Committee will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as is practicably possible. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering bribery and corruption.



For further information on this policy, please contact the Section 151 Officer or a member of the Audit team.



Appendix I

Introduction

This Appendix summarises the requirements of the Bribery Act, which came into force on 1 July 2010.

The Bribery Act

There are four key offences under the Act;

- bribery of another person (section 1)
- accepting a bribe (section 2)
- bribing a foreign official (section 6)
- failing to prevent bribery (section 7)

The Bribery Act 2010 makes it an offence to offer, promise or give a bribe (section 1). It also makes it an offence to request, agree to receive, or accept a bribe (section 2),

Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business.

There is also a corporate offence under section 7 of failure by a commercial organisation (Surrey Heath Borough Council is a commercial organisation under the Act) to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organisation will have a defence



to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

Penalties

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 to both
- On conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both

Organisations are liable for these against the Authority and employees will face disciplinary action if there is evidence that they have been involved in this activity, which could result in summary dismissal for gross misconduct. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case.

Adequate procedures

Based on published Ministry of Justice guidance under section 9 of the Bribery Act, adequate procedures need to be applied proportionately, based on the level of risk of bribery in the Council. It is down to individual organisations to determine proportionate procedures in the recommended areas of six principles. The principles are not prescriptive. They are intended to be flexible and outcome focussed allowing for the different circumstances of organisations. The detail of how organisations apply these principles will vary, but the outcome should always be robust and effective anti-bribery procedures.

Proportionate procedures

An organisation's procedures to prevent bribery by persons associated with it are proportionate to the bribery risks it faces and to the nature, scale and complexity



of the organisation's activities. They are also clear, practical, accessible, effectively implemented and enforced.

Top level commitment

The top level management (be it a board of directors, the owners or any other equivalent body or person) are committed to preventing bribery by persons associated with it. They foster a culture within the organisation in which bribery is never acceptable.

Risk assessment

The organisation assesses the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment is periodic, informed and documented. It includes financial risks but also other risks such as reputational damage.

Due diligence

The organisation applies due diligence procedures, taking a proportionate and risk based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, in order to mitigate identified bribery risks.

Communications (including training and induction)

The organisation seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training that is proportionate to the risks it faces.

Monitoring and review

The organisation monitors and review procedures designed to prevent bribery by persons associated with it and make improvements where necessary.



Surrey Heath Borough Council is committed to proportional implementation of these principles

This policy is available in large print if requested.



Document Revision Summary

DATE	SECTION	REVIEW COMMENTS / SUMMARY OF CHANGE(S) MADE	REVIEWER
February 2025	Throughout	Minor grammatical and formatting amends	HR
	1	Addition of the word “professional” Addition – “The Council could also face prosecution and be liable to pay a fine”	
	4	Updated other relevant policies list	
	7	Removed reference to specific sections as this policy is due for review and likely to change	
	9	Updated to reflect update in legislation	
	11	Updated Whistleblowing to Speak Up Policy and intranet to Warbler.	
	12	Updated to reflect current committee names and job titles	
11 February 2025	N/A	Policy ownership to transfer from HR to Legal team	CMT
31 March 2025	9	Updated reference to the Procurement Regulations 2024 and deleted Public Contract Regulations 2015.	Legal

