

APPROVED AT CFA AUDIT COMMITTEE 28TH SEPTEMBER 2011
ANTI BRIBERY POLICY & PROCEDURES

Policy Statement - Anti Bribery

This Policy aims to meet the responsibilities of the Combined Fire Authority under the Bribery Act 2010, full details of which can be found on the following website http://www.opsi.gov.uk/acts/acts2010/ukpga_20100023_en_1

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage, and as such is a criminal offence.

We do not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor do we or will we, accept bribes or improper inducements.

To use a third party as a conduit to channel bribes to others is a criminal offence. We do not, and will not, engage indirectly in or otherwise encourage bribery.

We are committed to the prevention, deterrence and detection of bribery. We have zero-tolerance towards bribery.

Objective of this Policy

This Policy provides a coherent and consistent framework to enable the Authority's employees to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable employees to identify and effectively report a potential breach.

We require that all personnel, including those permanently employed, temporary agency staff and contractors:-

- act honestly and with integrity at all times and to safeguard the Authority's resources for which they are responsible
- comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Authority operates, in respect of the lawful and responsible conduct of activities

Scope of this Policy

This Policy applies to all of the Authority's activities. For partners, joint ventures and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this Policy.

Within the Authority, the responsibility to control the risk of bribery occurring resides at all levels of the organisation.

This Policy covers all personnel, including all levels and grades, those permanently employed, temporary agency staff, contractors, agents, Members (including Independent Members), volunteers and consultants.

The Bribery Act

Under the Bribery Act there are four key offences:

- 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 to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. This is what is known as a “strict liability” offence. This means that there is no need to prove negligence or management complicity. 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. For the purpose of this section the Fire Authority is classed as a commercial organisation, and hence this aspect of the Act applies to ourselves.

The Authority’s commitment to action

The Authority commits to:-

- Setting out a clear Anti-Bribery Policy and keeping it up to date
- Making all employees aware of their responsibilities to adhere strictly to this policy at all times
- Enabling all employees to recognise and avoid the use of bribery by themselves and others
- Encouraging 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(s) involved in bribery
- Provide information to all employees to report breaches and suspected breaches of this policy
- Include appropriate clauses in contracts to prevent bribery.

Anti-Bribery Procedures

The Authority’s procedures cover six principles:-

Proportionality

This procedure is designed to prevent bribery by persons associated with it. These are proportionate to the bribery risks faced by the Authority and to the nature, scale and complexity of the Authority's activities. They are also clear, practical, accessible, effectively implemented and enforced.

Top Level Commitment

The Chief Fire Officer and Directors are committed to preventing bribery. They foster a culture within the organisation in which bribery is never acceptable.

Risk Assessment

The nature and extent of the Authority's exposure to potential external and internal risks of bribery on its behalf by persons associated with it is periodically assessed. This includes financial risks but also other risks such as reputational damage.

Due Diligence

The Authority takes 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.

Communication

The Authority seeks to ensure that its Bribery prevention Policies and Procedures are embedded and understood throughout the organisation through internal and external communication.

Monitoring and Review

Procedures designed to prevent bribery are monitored and reviewed and improvements are made where necessary.

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 (six months in Northern Ireland), 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

The Authority, if convicted under sections 1, 2 or 6 will also face the same level of fines and, if guilty of an offence under section 7, is liable to an unlimited fine.

Bribery is not tolerated

It is unacceptable to:-

- give, promise to give, or offer a payment, gift 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 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 us in return
- 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.

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.

Gifts and hospitality

The Authority policy regarding the requirements for gifts and hospitality is set out within:-

- the Gifts and Hospitality Protocol (Service Order Admin 110)
http://lfrsintranet/files/documentFiles/doc_137_files/Administration%20-%20110.pdf
- the Code of Conduct
http://lfrsintranet/files/documentFiles/doc_351_files/Code%20of%20Conduct%20-%20August%202010.pdf

Public contracts and failure to prevent bribery

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. There are no plans to amend the 2006 Regulations for this 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. This Authority has the discretion to exclude organisations convicted of this offence.

Staff responsibilities

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Authority 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 believe or suspect that a conflict with this policy has occurred, or may occur in the future.

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.

Raising a concern

This Authority is committed to ensuring that all of us have a safe, reliable, and confidential way of reporting any suspicious activity. We want each and every member of staff to know how they can raise concerns.

We all have a responsibility to help detect, prevent and report instances of bribery. If you have a concern regarding a suspected instance of bribery or corruption, please speak up – your information and assistance will help. The sooner you act, the sooner it can be resolved.

Please refer to the Whistleblowing policy (Section 23 of Service Order Admin 50) http://lfrsintranet/files/documentFiles/doc_137_files/Administration50.pdf

Concerns can be anonymous. In the event that an incident of bribery, corruption, or wrongdoing is reported, we will act as soon as possible to evaluate the situation. We have clearly defined procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind.

If you have any questions about these procedures, please contact Keith Mattinson Director of Corporate Services 01772 866804 keithmattinson@lancsfire.org.uk or Joanna Bowden Head of Finance 01772 866852 joannabowden@lancsfire.org.uk

Other relevant policies

- Anti-Fraud and Corruption Strategy (Section 24 of Service Order Admin 50) http://lfrsintranet/files/documentFiles/doc_137_files/Administration50.pdf
- Whistleblowing Procedure (Section 23 of Service Order Admin 50) http://lfrsintranet/files/documentFiles/doc_137_files/Administration50.pdf
- Gifts and Hospitality Protocol (Service Order Admin 110) http://lfrsintranet/files/documentFiles/doc_137_files/Administration%20-%20110.pdf
- Code of Conduct http://lfrsintranet/files/documentFiles/doc_351_files/Code%20of%20Conduct%20-%20August%202010.pdf)