

TITLE OF REPORT: ITEM REFERRED FROM FINANCE, AUDIT AND RISK COMMITTEE: 23 MARCH 2016 – ANTI-BRIBERY POLICY REVIEW 2015/16

The following is an extract from the Draft Minutes of the Finance, Audit and Risk Committee meeting held on 23 March 2016.

71. ANTI-BRIBERY POLICY REVIEW 2015/16

The Acting Senior Lawyer presented a report on the Anti-Bribery Policy Review 2015/16.

The Acting Senior Lawyer advised that the Anti-Bribery Policy was last reviewed in 2011, prior to the implementation date of the Bribery Act 2010. Since the 2011 Policy review, the Council had received various alerts and national plans concerned with anti-corruption and anti-bribery.

The Acting Senior Lawyer commented that there had been a relatively small number of prosecutions nationally since the 2010 Act came into force. Anecdotally, it was believed that this was due to the complexity of some of the matters, together with the fact that the Serious Fraud Office had been focussing on foreign bribery issues.

The Acting Senior Lawyer stated that the Policy had been amended to include a greater level of description and guidance on what bribery was and indicators of it. The Policy was applicable to all employees, agency workers, contractors and Members.

The Acting Senior Lawyer explained that the Council still need to consider the necessity for:

- (a) the training to be provided to employees (and level); and
- (b) the reporting and monitoring arrangements the Council had in place (and whether these could be improved).

In respect of training, and following liaison with the Hertfordshire Shared Anti-Fraud Service (SAFS), the Acting Senior Lawyer advised that this would be facilitated through an e-learning package to be offered to all staff and Members. She estimated that it would take most staff and Members about 15 minutes to complete the e-learning module.

In respect of monitoring/reporting, the Acting Senior Lawyer stated that it had been suggested by the SAFS Counter Fraud Manager that a good way to improve monitoring and reporting would be the introduction of an annual corporate employee declaration (and that record could be held on their Human Resources file).

In response to a request from a Committee Member, the Acting Senior Lawyer undertook to advise all Members in April 2016, via the Members' Information Service, when the new e-learning module was available for use.

In relation to the proposed amended Policy, the Committee agreed to recommend to Cabinet that the definition of bribery in the previous Policy should be re-inserted in Section 1 of the new Policy.

RECOMMENDED TO CABINET: That, subject to the re-insertion in the Policy of the following definition of bribery in Section 1 of the document, the amendments to the Anti-Bribery Policy, as set out in Appendix B to the report, be approved:

“Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage. Bribery is a criminal offence. North Hertfordshire District Council does not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor does the Council or will the Council, accept bribes or improper inducements.”

REASON FOR DECISION: To comply with a recent legislative review of the UK Bribery Act 2010 and good practice; and to provide a degree of uniformity within the Hertfordshire Shared Anti-Fraud Services authorities.

[NOTE: The report to which this referral relates is Item 15 on this agenda.]