



Anti-Bribery Code

Date of implementation: 1 October 2021

Updated October 2024

Due to be reviewed: 1 October 2027

STATEMENT

1. **Bribery** is an inducement or reward offered, promised, or provided to gain personal, commercial, regulatory, or contractual advantage.
2. Bribery is a criminal offence. The Councils 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.
3. 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.
4. We are committed to the prevention, deterrence, and detection of bribery. We have zero-tolerance towards bribery. We aim to maintain anti-bribery compliance “business as usual,” rather than as a one-off exercise.

OBJECTIVE OF THIS CODE

5. This Code provides a coherent and consistent framework to enable the Councils’ employees and Members 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.
6. We require that all personnel, including those permanently employed, temporary, agency staff, members, and contractors:
 - Act honestly and with integrity always and to safeguard the organisations’ 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 organisation operates, in respect of the lawful and responsible conduct of activities.

SCOPE OF THIS CODE

7. This Code applies to all the activities of Richmond and Wandsworth (‘the Councils’). For partners, joint ventures, and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this Code.
8. Within the Councils, the responsibility to control the risk of bribery occurring resides at all levels of the organisation. It does not rest solely with assurance functions, but in all business units and corporate functions.
9. This Code covers all personnel, including all levels and grades, those permanently employed, temporary and agency staff, contractors, agents, Members (including independent and co-opted members), volunteers and consultants (“employees”).

THE COUNCILS’ COMMITMENT TO ACTION

10. **We commit to:**
 - Setting out a clear anti-bribery Code and keeping it up to date
 - Making employees aware of their responsibilities to always adhere strictly to this Code

- Providing information to employees so that they can recognise and avoid the use of bribery by themselves and others
- Encouraging employees to be vigilant and to report any suspicion 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 Code
- Include appropriate clauses in trade contracts to prevent bribery

BRIBERY ACT 2010

11. There are four key offences under the Act:

- To offer, promise or give a bribe (Section 1)
- To request, agree to receive, or accept a bribe (Section 2)
- Bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business (section 6)
- A corporate offence 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 (section 7). This applies to local authorities where commercial companies are used to support a function or project and where we trade in commercial terms. 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

What are “adequate procedures”?

12. Whether the procedures are adequate will be a matter for the courts to decide on a case-by-case basis. Adequate procedures need to be applied proportionately, based on the level of risk of bribery in the organisation. It is for individual organisations to determine proportionate procedures in the recommended areas of six principles. The six principles as applied to the Councils are:

a Proportionate procedures

Action taken needs to be proportionate to the risks faced relative to the size of the project or subject matter.

b Top level commitment

The Executive Board and Members are committed to preventing bribery by persons associated with the Councils. They foster a culture within the organisation in which bribery, corruption or bad business practices are never acceptable.

c Risk Assessment

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

d. Due diligence

We apply 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, to mitigate identified bribery risks.

e. Communication (including training)

We seek to ensure that our 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 faced.

f. Monitoring and review

Recognising that risks and effectiveness may change from time to time, we will monitor, and review procedures designed to prevent bribery by persons associated with the Councils and make improvements where necessary.

Penalties

13. An individual guilty of an offence under sections 1, 2 or 6 of the Bribery Act 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
14. Organisations are liable for these fines and if guilty of an offence under section 7 of the Bribery Act are liable to an unlimited fine.

REQUIREMENTS

15. **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 Code
 - Engage in activity in breach of this Code

Facilitation Payments

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

Gifts and hospitality and Declarations of Interest

17. This Code is not meant to change any requirements as set out in the Councils' existing Policies and Procedures and should therefore be read in conjunction with the Councils' **Code of Conduct**. Gifts and hospitality, and declarations of interest should be registered online ([link](#)).

EMPLOYEE RESPONSIBILITIES

18. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Councils. All employees are required to avoid activity that breaches this Code.

You must:

- Ensure that you read, understand, and comply with this Code
 - Raise concerns as soon as possible if you believe or suspect that a conflict with this Code has occurred, or may occur in the future
19. As well as the possibility of civil and criminal prosecution, employees that breach this Code may face disciplinary action, which could result in dismissal for gross misconduct.

RAISING A CONCERN

20. The Councils are committed to ensuring that we all have a safe, reliable, and confidential way of reporting any suspicious activity. We want every employee to know how they can raise concerns.
21. 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.
22. There are multiple channels to help you raise concerns. Please contact the South West London Fraud Partnership on 020 8871 8383 or swlfp@richmondandwandsworth.gov.uk.

Alternatively, please refer to the Councils' Whistleblowing Code.

23. Preferably the disclosure will be made and resolved internally (e.g., to the South West London Fraud Partnership or if you are a councillor, you may report any occurrence to the Leader of the Council). If internal disclosure proves inappropriate, concerns can be raised with the regulator (Department for Business & Trade):

Blowing the Whistle to a Prescribed Person

24. Raising concerns in these ways may be more likely to be considered reasonable than making disclosures publicly (e.g. to the media).

ANONYMITY

25. Concerns can be raised anonymously. If 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. However, this is easier and quicker if concerns raised are not anonymous.

26. Employees who refuse to accept or offer a bribe, or those who raise concerns or report wrongdoing, can understandably be worried about the repercussions. We aim to encourage openness and will support anyone who raises a genuine concern in good faith under this Code, even if they turn out to be mistaken.
27. We are committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith.
28. If you have any questions about these procedures, please contact the South West London Fraud Partnership on 020 8871 8383 or swlfp@richmondandwandsworth.gov.uk.

OTHER RELEVANT POLICIES AND LINKS

- Bribery Act 2010
- Procurement Act 2023
- Anti-fraud and anti-corruption strategy