

# WESTMINSTER CITY COUNCIL

## ANTI-BRIBERY POLICY



City of Westminster

<b>Date of Issue</b>	<b>Audit and Performance Committee - review</b>
November 2024	25 <sup>th</sup> November 2024

## 1. Introduction: Policy statement

- 1.1 Bribery is an inducement or reward offered, promised or provided to gain a personal, commercial, regulatory or contractual advantage. Bribery is a criminal offence and punishable for individuals by up to ten years' imprisonment.
- 1.2 It is the Council's policy to conduct all our business in an honest and ethical manner. We take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our activities.
- 1.3 We are committed to the prevention, deterrence and detection of bribery. We aim to maintain anti-bribery compliance "business as usual", rather than as a one-off exercise.
- 1.4 Those employed by or acting as agent for the Council and its schools will not pay bribes nor offer improper inducements to anyone for any purpose. Nor will those individuals accept bribes or improper inducements.
- 1.5 To use a third party as a conduit to channel bribes to others is a criminal offence. The Council does not and will not allow its staff or Members engage indirectly in or otherwise encourage bribery.

## 2. Objective

- 2.1 The purpose of this policy is to:
  - (a) Set out our responsibilities, and of those working for us, in observing and upholding our position on bribery and corruption; and,
  - (b) Provide information and guidance to those working for us on how to recognise and deal with bribery and corruption issues.

## 3. Scope

- 3.1 This policy applies to all the Council's operations and 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.
- 3.2 Within the council, the responsibility to prevent, detect and control the risk of bribery occurring resides at all levels in all business units and corporate functions.

3.3 This policy applies all personnel, including all levels and grades, those permanently employed, temporary agency staff, contractors, non-executives, agents, Members (including independent members), volunteers and consultants.

## 4. What is bribery?

4.1 Bribery refers to the act of offering, giving, promising, asking, agreeing, receiving, accepting, or soliciting something of value or of an advantage so to induce or influence an action or decision. Bribes can take the form of money, kickback, gifts, loans, fees, hospitality, services, discounts, the award of a contract, or any other commercial or personal advantage or benefit.

4.2 Bribery is not limited to the act of offering a bribe. If an individual is on the receiving end of a bribe and they accept it, they are also breaking the law.

4.3 All forms of Bribery are strictly prohibited. If you are unsure about whether an act constitutes bribery, raise it with your manager, head of service or the Council's Director of Law.

4.4 Specifically, you **must not**:

- give or offer any payment, gift, hospitality or other benefit in the expectation that a business advantage will be received in return, or to reward any business received.
- accept any offer from a third party that you know, or suspect, is made with the expectation that we will provide a business advantage for them or anyone else.
- give or offer any payment (sometimes called a facilitation payment) to a government official in any country to facilitate or speed up a routine or necessary procedure (even if these payments are common in certain countries), or
- threaten or retaliate against another person who has refused to offer or accept a bribe or who has raised concerns about possible bribery or corruption.

4.5 The Council can investigate bribery, but the Director of Public Prosecutions or the Director of the Serious Fraud Office must give personal consent to a prosecution under the Bribery Act, as set out in section 10 of the Act.

## 5 Conflicts of interest

5.1 All employees need to declare whether they have any personal interests that may conflict with the interests of the Council. Outside activities, additional employment or voluntary work can all create the potential for the interests of the employee to come into conflict with those of the Council.

5.2 Conflicts of interests can be damaging for the Council and those concerned, potentially leading to accusations of corruption and impropriety. In such situations the mere perception of wrongdoing can cause huge embarrassment, regardless of whether such accusations prove to be well founded or not.

5.3 All employees need to read the Council's advice regarding declarations of interest as detailed in the Code of Conduct [\[click here\]](#) and decide whether they have any conflicting personal interests and to agree to inform the Council if these circumstances change. A copy of the declaration of interest and out of work activities form is attached at Appendix 1.

5.4 Because declarations of interest are fundamental to the effective operation and reputation of the Council, failing to declare an interest will always be dealt with by the Council as a disciplinary matter and is likely to be deemed gross misconduct which may result in your dismissal.

## 6 Gifts and hospitality

6.1 The acceptance of gifts and hospitality, even on a modest scale, may arouse suspicion and must be capable of public justification.

6.2 We must exercise discretion in offering and accepting gifts and hospitality. We consider how it might affect our relations with the party offering it and how elected Members, the public and other staff, might perceive it. If in any doubt we will discuss with our line manager.

6.3 Employees are therefore required by the Officers' Code of Conduct to record gifts or hospitality offered to them (whether accepted or not) and hospitality provided to others outside the Council. This should preferably be recorded as it happens, rather than at the end of a fixed period. In any case, it must be

recorded within one month of the event (or the date of an offer of hospitality, if refused). Regular nil returns are not required.

- 6.4 Because the Council is a public body it is essential that all such items are recorded in an easily accessible and efficient way. To this end, an online gifts and hospitality register has been created – you can access the Council’s policy ([here](#)) and access the register and further information by following this [link](#).

## 7 Reporting your concerns

- 7.1 If in the course of your duties someone attempts to influence the outcome of a project, procurement or decision, you must politely refuse and immediately.

- Report the matter to your line manager, their manager or the head of service. If for any reason this is not possible you should speak to those named below.
- You should make a note of who attempted to influence you and what was offered, who they work for, their contact details and the date and time of the incident. Also, you should note any witnesses, if any.
- Members should report the incident immediately to the Leader of the Council.

- 7.2 If an incident of bribery, corruption, or wrongdoing is reported, the Council will act as soon as possible to evaluate the situation. The Council has clearly defined procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind.

- 7.3 Employees can also raise their concerns in accordance with the Council’s [Whistleblowing Policy](#).

- 7.4 If you have any questions about this procedure, please contact:

- [Executive Director – Finance & Resources](#): Gerald Almeroth, galmeroth@westminster.gov.uk, 020 7641 2904
- [Director of Audit, Fraud, Risk and Insurance](#): David Hughes, David.Hughes@rbkc.gov.uk, 07817 507695
- [Head of Fraud](#): Andrew Hyatt, Andrew.Hyatt@rbkc.gov.uk, 07739 313817

**Declaration of Interests and Out of Work Activities Form**

We are committed to being an open, transparent and accountable organisation. When completing this form please consider whether an external observer might reasonably think that you could be influenced by any interest. If in doubt, complete the declaration and discuss with your line manager.

**Completing the Form**

All parts of the form must be completed (enter “nil” or “N/A” as appropriate if you have no interests to declare under that heading). This form should be completed if your circumstances change. Attach additional sheets as required.

**On completion of the Form,**

Send to your line manager who will work with you to ensure any conflict of interest is avoided and upload a copy to your SAP electronic personal file.

<b>1. Financial Interests</b>	
Name of any other employer	
Name of organisations in which I am a partner or company of which I am a remunerated director	
Name of any incorporated body in which I have a beneficial interest	
Description of any contract for goods, services or works between WCC and myself or any organisation I am connected with.	
Address or other description (sufficient to identify the location) of any land in Westminster in which I have a beneficial interest.	
Address or other description (sufficient to identify the location) of any land where WCC is the landlord and the tenant is an organisation who I am connected with.	

## 2. Other Interests

Membership or position of general control of public authorities or bodies exercising functions of a public nature	
Membership or position of general control of companies, charities or bodies directed to charitable purposes	
Membership or position of general control of bodies whose principal purposes include the influence of public opinion or policy	

## 3. Indirect Interests

Any interest which my partner or other relative may have in WCC or in any organisation which may have an interest in WCC.	
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## 4. In addition, if a holder of a designated post (Band 5 and above or any role with a significant involvement in contract matters or other work which requires a high level of transparency)

Any paid or unpaid activity or work outside WCC employment (including appointments to organisations which are funded or grant-aided by the council)	
Any financial and/or non-financial interest I have in any Council business	
Any relationship with an organisation (or people who work for that organisation) where I may be required to provide advice on the management or funding of that organisation	
Any relationship (business or private) I have, or had, with an external contractor or potential contractor	

## 5. Additional Employment

Any paid or unpaid activity or work outside WCC employment (including appointments to organisations which are funded or grant-aided by the council)	
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Name	
Job Title	
Department	
Signature	
Date	