



Anti-bribery and Counter Fraud Policy

Minor amendments approved by the Clerk in January 2022 in consultation with the Treasurer.

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1. Introduction

1.1 Policy statement

- 1.1.1 The West London Waste Authority is committed to the prevention of fraud and the promotion of an anti fraud culture.
- 1.1.2 The Authority operates a zero-tolerance attitude to bribery, fraud and corruption. The Authority requires all people carrying out work for it, including permanent employees at all levels and grades, temporary agency staff, contractors, Chief Officers, agents, councillors (including independent members), volunteers and consultants to act honestly and with integrity and to report all reasonable suspicions of bribery, fraud or corruption.
- 1.1.3 The Authority recognises the harm fraud can cause the organisation, its aims and its service users and that this policy supports a culture resilient to these threats which is aligned with good governance.
- 1.1.4 The Authority will investigate all instances of actual, attempted and suspected fraud committed and will where appropriate seek to recover funds lost to the Authority through fraud. Perpetrators may be subject to appropriate action, including legal action.
- 1.1.5 Any employee who breaches this policy will be dealt with under the disciplinary procedure which could result in dismissal for gross misconduct. Any non-employee who breaches this policy may have their contract or engagement terminated with immediate effect.
- 1.1.6 Within the Authority, the responsibility to control the risk of fraud, corruption and bribery occurring resides at all levels of the Authority. It does not rest solely within assurance functions, but in all business units and corporate functions embedded within corporate structures, policies, procedures and resources.
- 1.1.7 This policy provides an overarching framework to enable Authority employees to understand and implement arrangements to reduce the risk of fraud, corruption and bribery and, specifically to secure compliance with the requirements of the Bribery Act 2010.
- 1.1.8 This policy expands on relevant themes identified in the CIPFA Code of Practice on managing the Risk of Fraud and Corruption 2014.
- 1.1.9 In conjunction with existing related policies and key documents it will also enable employees to identify and effectively report a potential breach.

1.2 Who does this policy apply to:

1.2.1 This policy applies to all persons working for the Authority or on our behalf in any capacity, including employees at all levels, directors, officers, agency workers, seconded workers, volunteers, interns, agents, contractors, external consultants, third-party representatives and business partners.

1.3 Definitions

1.3.1 Fraud is defined as the use of deception with the intention of obtaining an advantage, avoiding an obligation or causing loss to another (such as obtaining property or services from the Authority). The Fraud Act 2006 defines 3 types of fraud; Fraud by:

- False representation
- Failing to disclose information
- Abuse of position

1.3.2 **Bribe** means a financial or other inducement or reward for action which is illegal, unethical, a breach of trust or improper in any way. Bribes can take the form of money, gifts, loans, fees, hospitality, services, discounts, the award of a contract or any other advantage or benefit.

1.3.3 **Bribery** is offering, promising, giving or accepting any financial or other advantage, to induce the recipient or any other person to act improperly in the performance of their functions, or to reward them for acting improperly, or where the recipient would act improperly by accepting the advantage.

1.3.4 Bribery is a criminal offence. The Authority does 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.

1.3.5 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.

1.3.6 Corruption is the abuse of entrusted power or position for private gain, including where a person receives any benefit which influences them and causes them to act differently when conducting the Authority's business

2. Responsibilities

2.1 Authority responsibilities

- 2.1.1 Setting out a clear anti-bribery and counter-fraud policy and keeping it up to date
- 2.1.2 Managing the Authority's risks and routinely considering fraud risk as part of any risk review
- 2.1.3 Making all employees aware of their responsibilities and providing appropriate training. Encouraging employees to be vigilant and to report any suspicions of fraud, corruption or bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately e.g. per the whistleblowing policy
- 2.1.4 Rigorously investigating instances of alleged fraud, corruption or bribery and assisting police and other appropriate authorities in any resultant prosecution. Taking firm and vigorous action against any individual(s) involved
- 2.1.5 Provide a means for all employees to report breaches and suspected breaches of this policy. Include appropriate clauses in contracts to prevent fraud, corruption and bribery.
- 2.1.6 In the event that an incident of bribery, corruption, or wrongdoing is reported, we will act as soon as possible to investigate fraud, misconduct and non-compliance issues. This is easier and quicker if concerns raised are not anonymous.
- 2.1.7 Those 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 policy, even if they turn out to be mistaken. We are committed to ensuring nobody suffers detrimental treatment for reporting a concern in good faith.
- 2.1.8 We are committed to the 6 Anti-Bribery principles contained in the Bribery Act 2010:
 - Proportionate procedures
 - Top level commitment
 - Risk assessment
 - Due diligence
- 2.1.9 Communication (including training) Monitoring and review

2.2 Individual responsibilities

- 2.2.1 As part of the Authority's Employee Code of Conduct the Authority provides that all employees are expected to perform their duties honestly, with integrity, impartiality and objectivity. Employees are under a duty to report any suspicions of fraud, theft or other wrongdoing.

2.2.2 All staff should be honest and truthful in dealings with the Authority and should report any attempts to bribe, threaten or otherwise inappropriately influence them and any offers of money or favours given. In addition staff may not ask for or accept bribes or incentives of any sort.

2.2.3 The prevention, detection and reporting of fraud and bribery are the responsibility of all those working for the Authority or under its control. All staff and councillors are required to avoid activity that breaches this policy.

2.2.4 It is the responsibility of individuals to:

- ensure that they read, understand and comply with this policy and other associated codes
- raise concerns as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future.
- Staff acting in breach of this policy face disciplinary action, which could result in dismissal for gross misconduct as well as the possibility of civil and criminal prosecution

2.2.5 Councillors acting in breach of this policy face action under the Members' Code of Conduct as well as the possibility of civil and criminal prosecution.

2.3 Raising concerns

2.3.1 The Authority is committed to ensuring that there is a safe, reliable and confidential way of reporting any suspicious activity. Any concerns should be reported directly to the Finance Director or any of the Chief Officers. Please refer to the whistleblowing policy for details of how to raise concerns.

2.4 Gifts and hospitality

2.4.1 This policy is not meant to change the existing requirements of the Authority in relation to gifts and hospitality which are set out in the Gift and Hospitality policy section of the employee Code of Conduct.

2.5 Relevant policies and documents

2.5.1 Other relevant policies/documents include:

- Employee Code of Conduct
- Code of Conduct for Members
- Contract and Tendering Regulations
- Financial Regulations and procedures
- Whistleblowing Policy
- Job descriptions
- Gifts and Hospitality Register
- Disciplinary Policy

3. Legal Framework and Penalties

3.1 Legal framework

There are 4 key offences under the Bribery Act 2010:

offences of bribing another person
Offences of being bribed
bribing a foreign official (section 6)
failing to prevent bribery (section 7)

3.1.1 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).

3.1.2 There is also a corporate offence under Section 7 of failure by a commercial organisation (including bodies undertaking public functions) to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business. 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.

3.1.3 The Bribery Act and guidance about it can be found at <https://www.gov.uk/government/publications/bribery-act-2010-guidance>

3.1.4 The Fraud Act of 2006 can be found at <http://www.legislation.gov.uk/ukpga/2006/35/contents>

3.2 Penalties

3.2.1 An individual guilty of an offence under sections 1, 2 or 6 of the Bribery Act 2010 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 guilty of an offence under Section 7 can be liable for an unlimited fine.