



ANTI-BRIBERY POLICY

AMENDMENT HISTORY

Date	New Issue No.	Details of Amendment
Feb 2021	1	Draft Policy for Staff Consultation
June 2021	2	Final Policy Document

1. INTRODUCTION

- 1.1 arc21 is committed to preventing bribery and maintaining a culture within the organisation in which bribery is never acceptable.
- 1.2 Bribery is a criminal offence and arc21 does not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor does arc21 accept bribes or improper inducements. It is a criminal offence to use a third party as a conduit to channel bribes to others and arc21 does not, and will not, engage directly in or otherwise encourage bribery.
- 1.3 arc21 is committed to the prevention, deterrence and detection of bribery. A zero tolerance approach towards bribery, whether internal or external to the organisation, is applied and our aim is to maintain anti-bribery compliance as “business as usual”, rather than as a one-off exercise.
- 1.4 Any queries or issues relating to bribery should be directed, in the first instance, to Mr George Craig, Acting Deputy Chief Executive, who can be contacted at:

Belfast Castle,
Antrim Road,
Belfast, BT15 5GR

or by using any of the following:

Telephone Number 028 90 373 000 extension 6672

Mobile Number 07748 804836

Email address george.craig@arc21.org.uk

- 1.5 Further information is contained in the Code of Conduct for Local Government Employees under Section 4.10 – Fraud and Corruption.

2.0 POLICY OBJECTIVES

- 2.1 This policy provides a coherent and consistent framework to enable all those associated with arc21, Members, staff, contractors and agents to understand and implement arrangements enabling compliance.
- 2.2 In conjunction with related policies and key documents, it will also enable Members, staff, contractors and agents to identify, and effectively report, a potential breach.
- 2.3 We require all those associated with arc21 to:
 - act honestly and with integrity at all times and safeguard the organisation’s resources for which they are responsible; and
 - comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which arc21 operates, in respect of the lawful and responsible conduct of activities.

3. SCOPE OF POLICY

- 3.1 This policy applies to all of the activities of the arc21 Joint Committee and, within the organisation, the overall responsibility to control the risk of bribery occurring resides with the Acting Chief Executive but the policy applies to all the activities the Joint Committee is engaged in.
- 3.2 This policy covers all Members, staff (both permanently employed and temporary staff), contractors and agents.

4. LEGAL OBLIGATIONS

- 4.1 The UK legislation on which this policy is based is the Bribery Act 2010 and it applies to arc21's conduct both in the UK and abroad. A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.
- 4.2 It is an offence in the UK to: offer, promise or give a financial or other advantage to another person (i.e. bribe a person), whether within the UK or abroad, with the intention of inducing or rewarding improper conduct, request, agree to receive or accept a financial or other advantage (i.e. receive a bribe) for or in relation to improper conduct.
- 4.3 Staff can be held personally liable for any such offence.
- 4.4 It is also an offence in the UK for an employee, or an associated person, to bribe another person in the course of doing business intending either to obtain or retain business, or to obtain or retain an advantage in the conduct of business, for the organisation.
- 4.5 The organisation can be liable for this offence where it has failed to prevent such bribery by associated persons. As well as an unlimited fine, it could suffer substantial reputational damage.

5. PUBLIC CONTRACTS AND TENDERS

- 5.1 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 or "the offence of bribery".
- 5.2 However, organisations that are convicted of "**failing to prevent bribery**" are not automatically barred from participating in tenders for public contracts. arc21 has the discretion to exclude organisations convicted of this offence when appointing contracts and assessing tenders.

6. POLICY STATEMENT

- 6.1 All members of staff, and associated persons, are required to comply with any anti-bribery and anti-corruption legislation that applies in any jurisdiction in any part of the world in which they might be expected to conduct business.
- 6.2 They are also required to act honestly, responsibly and with integrity to safeguard and uphold the organisation's core values by operating in an ethical, professional and lawful manner at all times.
- 6.3 Bribery of any kind is strictly prohibited and under no circumstances should any provision be made, money set aside or accounts created for the purposes of facilitating the payment or receipt of a bribe.
- 6.4 The organisation recognises that industry practices may vary from country to country or from culture to culture. What is considered unacceptable in one place may be normal or usual practice in another.
- 6.5 Nevertheless, a strict adherence to the guidelines set out in this policy is expected of all staff members and associated persons at all times. If in doubt as to what might amount to bribery or what might constitute a breach of this policy, staff should refer the matter to their Line Manager, in the first instance.
- 6.6 For the organisation's rules and procedures in relation to the receipt of business gifts from third parties and corporate hospitality offered to or received from third parties, please refer to the Gifts and Hospitality Policy. They form part of the organisation's zero tolerance policy towards bribery and they should be read in conjunction with this policy.
- 6.7 The giving of business gifts to clients, customers, contractors and suppliers is not prohibited provided the following requirements are met:
- the gift is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage
 - It complies with local laws
 - It is given in the organisation's name, not in the giver's personal name
 - It does not include cash or a cash equivalent (such as gift vouchers)
 - It is of an appropriate and reasonable type and value and given at an appropriate time
 - It is given openly, not secretly
 - It is approved, in advance where possible, by a Director or Acting Chief Executive.
- 6.8 In summary, it is not acceptable to give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received.
- 6.9 Neither is it acceptable to reward a business advantage already given, or to accept a payment, gift or hospitality from a third party that you know, or suspect, is offered or provided with the expectation that it will obtain a business advantage for them.

6.10 Any payment or gift to a public official or other person to secure or accelerate the prompt or proper performance of a routine government procedure or process, otherwise known as a “facilitation payment”, is also strictly prohibited. Facilitation payments are not commonly paid in the UK but they are common in some other jurisdictions.

7. JOINT COMMITTEE

7.1 The Joint Committee commits to:

- Setting out a clear anti-bribery policy;
- Making all staff aware of their responsibilities to adhere strictly to this policy at all times;
- Training all staff so that they can recognise and avoid the use of bribery by themselves and others;
- Including appropriate clauses in contracts to prevent bribery;
- Encouraging staff 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; and
- Providing information to all employees to report breaches and suspected breaches of this policy.

7.2 Members of the Joint Committee are nominated by their respective Councils and accordingly are responsible to their own Council for their conduct whilst serving on the Joint Committee.

7.3 The Northern Ireland Code of Conduct for Councillors requires that Councillors should maintain the highest standards of conduct and ethics in the performance of all Council duties.

7.4 Where a Member acts as a representative of the Council, as in the case of serving on the Joint Committee, he or she must not use, or attempt to use, their position as a Member improperly to confer on or secure for themselves, or any other person, an advantage or disadvantage.

7.5 Like all members of the public, Councillors should uphold the law at all times and any breaches of the Bribery Act 2010 are subject to the possibility of civil action and criminal prosecution.

7.6 Any breaches of this policy by Members will, in the first instance, be brought to the attention of the Chief Executive of their respective Council.

8. RESPONSIBILITIES AND REPORTING PROCEDURES

8.1 It is the contractual duty and responsibility of all employees, Joint Committee Members and associated persons to take whatever reasonable steps are necessary to ensure compliance with this policy and to prevent, detect and report any suspected bribery or corruption in accordance with the procedure set out in the whistleblowing policy.

- 8.2 Mr George Craig, Acting Deputy Chief Executive, is the appointed contact to whom enquiries should be made initially. Alternatively, initial contact can be made with another Director or the Acting Chief Executive of arc21 in order that, preferably, the disclosure can be resolved internally.
- 8.3 Where internal disclosure proves inappropriate, concerns can be raised, by Members and Staff, with any of the following:
- The Chair of the Joint Committee;
 - The Chair of the Audit Committee;
 - The Head of Audit Governance and Risk Services;
 - The Local Government Auditor; or
 - The Police Service Northern Ireland.
- 8.4 Staff and Joint Committee Members must immediately disclose to the organisation any knowledge or suspicion they may have about themselves and others, or any employee or associated person, regarding plans to offer, promise or give a bribe or to request, agree to receive or accept a bribe in connection with the business of arc21.
- 8.5 For the avoidance of doubt, this includes reporting your own wrongdoing. The duty to prevent, detect and report any incident of bribery and any potential risks rests not only with arc21's senior management, but equally to all employees, Joint Committee Members and associated persons.
- 8.6 The organisation encourages all employees, Joint Committee Members and associated persons to be vigilant and to report any unlawful conduct, suspicions or concerns promptly and without undue delay so that investigations may proceed and any action can be taken expeditiously.
- 8.7 In the event that someone wishes to report an instance or suspected instance of bribery, they should follow the steps set out in the Whistleblowing Policy. Confidentiality will be maintained during any investigation to the extent that this is practical and appropriate in the circumstances.
- 8.8 The organisation is committed to taking appropriate action against bribery and corruption. This could include either reporting the matter to an appropriate external government department, regulatory agency or the police and/or taking internal disciplinary action against relevant employees and/or terminating contracts with associated persons.
- 8.9 The organisation will support anyone who raises genuine concerns in good faith under this Policy, even if they turn out to be mistaken. It is also committed to ensuring nobody suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or corruption offence has taken place or may take place in the future.

9. RECORD KEEPING

- 9.1 All accounts, receipts, invoices and other documents and records relating to dealings with third parties must be prepared and maintained with strict accuracy and completeness. No accounts must be kept "off the record" to facilitate or conceal improper payments.

10. SANCTIONS FOR BREACH

- 10.1 A breach of any of the provisions of this policy will constitute a disciplinary offence and will be dealt with in accordance with the disciplinary procedure. Depending on the gravity of the offence, it may be treated as gross misconduct and could render the employee liable to summary dismissal.
- 10.2 As well as disciplinary action, any staff that breach this policy will potentially face civil action and criminal prosecution.
- 10.3 As far as associated persons are concerned, a breach of this policy could lead to the suspension or termination of any relevant contract, sub-contract or other agreement.