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Anti-Corruption and Bribery Policy



MALDON
DISTRICT COUNCIL

Document Control Sheet

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Users of the Policy and Procedure should ensure that they are consulting the currently valid version of the document.



Maldon District Council – Anti-corruption and bribery policy

1 Introduction

- 1.1 Maldon District Council (the “Council”) is committed to protecting the public purse and the services it provides from being abused. We 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 business dealings and relationships wherever we operate and implementing and enforcing effective systems to counter bribery and corruption.
- 1.2 We take our legal responsibilities very seriously. We will uphold all laws relevant to countering bribery and corruption. However, we remain bound by UK laws, including the Bribery Act 2010, in respect of our conduct both at home and abroad.

2 Purpose

- 2.1 The aim of this policy is to:
- set out the Council’s approach to minimising the risk of bribery and corruption occurring, detecting its possible occurrence, and the actions it will take when corrupt or fraudulent activity is suspected and identified.
 - provide information and guidance to those working for and on our behalf on how to recognise and deal with bribery and corruption issues.
- 2.2 It is underpinned by all other relevant policies/obligations as an employer and related policies including:
- Anti-Fraud and Corruption Policy
 - Fraud Response Plan
 - Anti Money Laundering Policy
 - Whistleblowing Policy
 - Member and Officers Code of Conduct
 - Maldon District Council Enforcement Strategy

3 Scope

- 3.1 This policy applies to all persons working for the Council or on our behalf in any capacity, including Members, employees at all levels, directors, officers, agency workers, seconded workers, volunteers, interns, agents, contractors, external consultants, third-party representatives and business partners, sponsors, or any other person associated with us, wherever located.
- 3.2 We expect and encourage them to be alert to the possibility of acts of fraud, corruption or bribery and to raise any such concerns at the earliest opportunity.

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- 3.3 Members and Staff have a duty to protect the Council's assets including information as well as property. When an employee suspects that there has been fraud or corruption, they must report the matter to a member of the Senior Leadership Team (SLT).
- 3.4 HM Government published the UK Anti-Corruption Strategy in 2025, building on earlier requirements for local authorities in England to adopt a Code of Conduct compliant with the seven 'Nolan' principles of standards of public life; selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 3.5 All local authorities are also required by the Localism Act 2011 to put in place arrangements for investigating allegations that Members have failed to comply with the Member Code. Failure to comply with the code could lead to the Member being censured.
- 3.6 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Council or under its control. All staff are required to avoid activity that breaches this policy.

4 Roles and responsibilities

- 4.1 The following table sets out the responsibilities for each stakeholder:

Stakeholder	Responsibilities
The Council	- overall responsibility for the effective operation of this policy - reviewing the effectiveness of actions taken in response to concerns raised under this policy
Elected Members	- facilitate an anti-fraud and anti-corruption culture - demonstrate commitment to this strategy and ensure it has the appropriate profile within the Councils - comply with the Members Code of Conduct - report any genuine concerns accordingly
Performance, Governance and Audit Committee	- monitor and review the effectiveness of the Council's anti-fraud and corruption arrangements - champion strong political and executive support for work to counter fraud and corruption
Chief Financial Officer (Section 151)	- ensure that those working in counter fraud are professionally trained and accredited for their role - ensure that those working to counter fraud and corruption are undertaking this work in accordance with a clear ethical framework and standards of personal conduct - ensure that there is a level of financial investment in counter fraud and corruption work that is proportionate to the risk identified - ensure that there are proper arrangements in place to administer the Council's financial affairs (statutory duty, under Section 151 of the Local Government Act 1972 and Section 73 of the Local Government Act 1985)

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Stakeholder	Responsibilities
Monitoring Officer	- regularly publicise and monitor compliance with expected standards of ethical conduct - ensure registers of interests, gifts and hospitality are maintained - ensure Members and Officers are fully aware of their obligations in relation to honesty and transparency - to put in place arrangements for investigating allegations that Members have failed to comply with the Member Code.
Internal Audit	- report upon any learning points the organisation must implement following an internal fraud event - develop an annual, risk based internal audit plan including consideration of fraud risk - evaluate the potential for the occurrence of fraud and how the organisation manages fraud risk - make recommendations where weaknesses are identified and ensure action plans implemented to prevent reoccurrences
Human Resources	- ensure that there is an effective propriety checking system implemented by appropriately trained staff in place - ensure employment policies support the anti-fraud and anti-corruption strategy - ensure that effective whistleblowing arrangements are established - ensure all employees have read the Employees Code of Conduct and understand their responsibilities as part of the induction process
Senior Leadership Team	- ensure the risks of fraud and corruption are identified and recorded on the corporate fraud risk register as required - implement adequate controls to reduce the risk to an acceptable level - adopt and maintain a robust control environment - ensure the anti-fraud and anti-corruption strategy is implemented within their area of responsibility - ensure that any allegations of fraud that they are aware of are reported - ensure the risk of fraud and corruption is considered in all new processes - establish an anti-fraud culture in their service area(s)
Managers	- ensure all employees are aware of their responsibilities under the anti-fraud and anti-corruption policy - ensure all employees are aware of the process for reporting allegations of fraud - ensure accurate and timely reporting of gifts and hospitality - promote the adoption of policies consistent with the principles set out in this policy within partnerships, joint working and other supplier/contractual arrangements

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Stakeholder	Responsibilities
Employees (including Agency staff)	• comply with the Council's policies and procedures • maintain an awareness of the possibility of fraud and corruption • understand their responsibilities surrounding fraud and report any genuine concerns accordingly • an understanding of expected behaviour

4.2 You are required to avoid activity that breaches this policy. It is not acceptable for you (or someone on your behalf) 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 or accept a gift or hospitality during any commercial negotiations or tender process, if this could be perceived as intended or likely to influence the outcome;
- accept a payment, gift or hospitality from a third party that you know or suspect is offered with the expectation that it will provide a business advantage for them or anyone else in return;
- offer or accept a gift to or from government officials or representatives, or politicians or political parties;
- threaten or retaliate against another individual who has refused to commit a bribery offence or who has raised concerns under this policy; or
- engage in any other activity that might lead to a breach of this policy.

4.3 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Council or under its control.

4.4 You must:

- ensure that you read, understand, and comply with this policy as failure to do so may constitute a breach of the Code of Conduct resulting in further action being taken; and
- raise concerns as soon as possible if you believe or suspect that a conflict with this policy has occurred or may occur in the future. For example, if a client or potential client offers you something to gain a business advantage with us or indicates to that a gift or payment is required to secure their business.

4.5 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for us or under our control.

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4.6 It is not acceptable for you (or someone on your behalf) 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 or accept a gift or hospitality during any commercial negotiations or tender process, if this could be perceived as intended or likely to influence the outcome;
- accept a payment, gift or hospitality from a third party that you know or suspect is offered with the expectation that it will provide a business advantage for them or anyone else in return;
- offer or accept a gift to or from government officials or representatives, or politicians or political parties, without the prior approval of your Director;
- threaten or retaliate against another individual who has refused to commit a bribery offence or who has raised concerns under this policy; or
- engage in any other activity that might lead to a breach of this policy.

5 Objective of this policy

5.1 This policy provides a coherent and consistent framework to enable you to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable you to identify and effectively report a potential breach.

5.2 We require that you:

- act honestly and with integrity always and safeguard the Council's resources for which you are responsible; and
- comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Council operates, in respect of the lawful and responsible conduct of activities.

6 The Council's commitment to action

6.1 The Council commits to:

- setting out a clear anti-corruption and bribery policy and keeping it up to date;
- making all Members and employees aware of their responsibilities to adhere strictly to this policy always;
- encouraging its Members and employees to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately;

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- 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 Members and employees to report breaches and suspected breaches of this policy; and
- include appropriate clauses in contracts to prevent bribery.

7 Gifts and hospitality

7.1 This policy allows reasonable and appropriate hospitality or entertainment given to or received from third parties, for the purposes of:

- establishing or maintaining good business relationships;
- improving or maintaining our image or reputation; or
- marketing or presenting our products and/or services effectively.

7.2 Sample tokens of modest value bearing the name or insignia of the organisation giving them (for example, pens, diaries or calendars) whether given personally, or received in the post, may be retained provided the following requirements are met:

- it is not made as an inducement or reward;
- it 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, or in explicit or implicit exchange for favours or benefits;
- it is given in our name, not in your name;
- it does not include cash or a cash equivalent (such as gift certificates or vouchers);
- it is appropriate in the circumstances, taking account of the reason for the gift, its timing and value. For example, in the UK it is customary for small gifts to be given at Christmas;
- it is given openly, not secretly; and
- it complies with any applicable local law.

7.3 Promotional gifts of low value such as branded stationery to or from existing customers, suppliers and business partners will usually be acceptable.

7.4 Reimbursing a third party's expenses or accepting an offer to reimburse our expenses (for example, the costs of attending a business meeting) would not usually amount to

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bribery. However, a payment in excess of genuine and reasonable business expenses (such as the cost of an extended hotel stay) is not acceptable.

- 7.5 We appreciate that practice varies between countries and regions and what may be normal and acceptable in one region may not be in another. The test to be applied is whether in all the circumstances the gift, hospitality or payment is reasonable and justifiable. The intention behind it should always be considered.
- 7.6 You should refuse the offer or invitation (or return the gift) unless your Director has advised you that it may be accepted or retained.

8 Record-keeping

- 8.1 We must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.
- 8.2 Members and staff must declare and keep a written record of all hospitality or gifts given or received, which will be subject to managerial review.
- 8.3 Members and staff must submit all expenses claims relating to hospitality, gifts or payments to third parties in accordance with our expenses policy and record the reason for expenditure.
- 8.4 All accounts, invoices, and other records relating to dealings with third parties including suppliers and customers should be prepared with strict accuracy and completeness. Accounts must not be kept "off book" to facilitate or conceal improper payments.

9 Breaches of this policy

- 9.1 As well as the possibility of civil action and criminal prosecution, staff that breach this policy may face disciplinary action, which could result in summary dismissal for gross misconduct. Dismissal can still be an outcome with or without civil action or criminal prosecution.
- 9.2 We may terminate our relationship with other individuals and organisations working on our behalf if they breach this policy.

10 Members

- 10.1 The Member Code of Conduct requires that where a Member acts as a representative of the authority they 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.
- 10.2 Allegations against a Member for breach will be routed through the Standards complaints process administered by the Monitoring Officer and Deputy Monitoring Officer.

Maldon District Council – Anti-corruption and bribery policy**11 Public contracts and failure to prevent bribery**

- 11.1 Under the Public Contracts Regulations 2015 (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. Organisations that are convicted of failing to prevent bribery are not automatically barred from participating in tenders for public contracts.
- 11.2 However, the Council has the discretion to exclude organisations convicted of this offence.

12 Raising a concern

- 12.1 This Council is committed to ensuring that all of us have a safe, reliable, and confidential way of reporting any suspicious activity. Concerns about any issue or suspicion of bribery or corruption should be raised at the earliest stage possible.
- 12.2 We want you to know how you can raise concerns.
- 12.3 We all have a responsibility to help detect, prevent and report instances of bribery. Any individual with a concern regarding a suspected instance of bribery or corruption is encouraged to report this immediately to ensure that action can be taken and the matter resolved.
- 12.4 The disclosure should be made and resolved internally via the reporting tool on [Freshservice](#).
- 12.5 However, where internal disclosure is not appropriate, the individual can raise concerns with Managers, HR or the S151 Officer or Deputy, the External Auditor or relevant professional bodies or regulatory organisations.

13 Protection

- 13.1 Concerns can be reported anonymously. If an incident of bribery is reported, we will act as soon as possible to evaluate the situation. We have procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind.
- 13.2 Members and staff who refuse to accept a bribe, or those who raise concerns can understandably be worried about the repercussions. The Council aims 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.
- 13.3 The Council is 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 their suspicion that an actual or potential bribery or other corruption offence has taken place or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. Members and staff who believe that they have suffered any such treatment, should inform the Compliance Manager immediately. If the matter is not remedied,

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and the individual is an employee, they should raise it formally using our Grievance Procedure, which is available on [Freshservice](#).

14 Potential risk scenarios: 'red flags'

14.1 The following is a list of possible red flags that may arise during the course of you working for us and which may raise concerns under various anti-bribery and anti-corruption laws. The list is not intended to be exhaustive and is for illustrative purposes only.

14.2 If you encounter any of these red flags while working for us, you must report them promptly to your manager:

- you become aware that a third party engages in, or has been accused of engaging in, improper business practices;
- you learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a "special relationship" with foreign government officials;
- a third party insists on receiving a commission or fee payment before committing to sign up to a contract with us, or carrying out a government function or process for us;
- a third party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made;
- a third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business;
- a third party requests an unexpected additional fee or commission to "facilitate" a service;
- a third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
- a third party requests that a payment is made to "overlook" potential legal violations;
- a third party requests that you provide employment or some other advantage to a friend or relative;
- you receive an invoice from a third party that appears to be non-standard or customised;
- a third party insists on the use of side letters or refuses to put terms agreed in writing;
- you notice that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided;

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- a third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to us; or
- you are offered an unusually generous gift or offered lavish hospitality by a third party.

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Appendix 1 -

1 Staff Register of Gifts and Hospitality and Personal Interests in Contracts

- 1.1 This page relates to the requirements for STAFF to register gifts and hospitality and also personal interests in contracts.
- 1.2 For more information about member arrangements go [HERE](#)
- 1.3 Any gifts and hospitality must be recorded in the Register of Gifts and Hospitality.
- 1.4 This can be done by raising a Freshservice request by going to <https://maldon.freshservice.com/support/solutions/articles/50000034185-staff-register-of-gifts-and-hospitality-and-personal-interests-in-contracts>
- 1.5 You must also register any personal interests that you have that could be linked to activities of the Council (see separate section below).
- 1.6 Below is an extract from the Code of Conduct for staff to clarify the requirements.

12 Personal interests

- 12.1 *Employees must declare to a Director any financial or non-financial interests or any potential interest in any matter that they consider could be in conflict with the Council's interests. This includes, but is not limited to, planning applications and benefit or other claims which relate to the employee, their friends, relative or acquaintance.*
- 12.2 *If in the course of work an employee becomes aware of a potential conflict of interest, such as related to a planning issue or benefits claim by a friend, relative or acquaintance for instance, they must declare it immediately to a Director.*
- 12.3 *Employees should declare to a Director membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.*
- 12.4 *A register of staff interests will be maintained by the Directors and each employee is responsible for making their own entry.*

16 Gifts and hospitality

- 16.1 *Employees should comply with the Council's Anti-corruption and bribery policy.*
- 16.2 *Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented and should be properly authorised in advance of acceptance of any invitation by a Director.*

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16.3 *Employees should not accept significant personal gifts, loans, fees, rewards or advantage from contractors, potential contractors, service users and outside suppliers. All gifts whose value exceeds £25 should be recorded in the gifts and hospitality register and approval from a Director is required to keep the gift. The register is open to inspection by Members of the Council.*

16.4 *Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.*

1.7 Register of interest in contracts for staff

1.7.1 There is also a requirement that there should be a register for any pecuniary interests an officer and Member or their close relatives have in any contract relating to the Council. As soon as you become aware of such an interest, please inform Freshservice with details of the interest using the link below:

[***Register an interest in a contract***](#)

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Appendix 2 - Definitions

- **Bribery** is defined as the offering, giving, receiving or soliciting of any financial or other advantage (including money, gifts, loans, fees, hospitality, services, discounts, the award of a contract or anything else of value) 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. Within the Bribery Act 2010, it is a criminal offence to offer, promise, give, request, or accept a bribe. Individuals found guilty can be punished by up to ten years' imprisonment and/or a fine and employers that fail to prevent bribery can face an unlimited fine, exclusion from tendering for public contracts, and damage to its reputation
- **Corruption** is the abuse of entrusted power or position for private gain.
- **Facilitation payments**, also known as "back-handers" or "grease payments", are typically small, unofficial payments made to secure or expedite a routine or necessary action (for example, by a government official). They are not common in the UK but are common in some other jurisdictions.
- **Kickbacks** are typically payments made in return for a business favour or advantage.
- **Third party** means any individual or organisation you come into contact with during the course of your work for us, and includes actual and potential clients, customers, suppliers, distributors, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

Maldon District Council – Anti-corruption and bribery policy**Appendix 3 – Key points of the Bribery Act 2010**

There are four key offences under the Act

Section 1, Offence of bribing another person:

This section makes it an offence when a person:

- offers, promises, or gives a financial or other advantage to another person and intends the advantage to induce a person to perform improperly a relevant function or activity; or
- to reward a person for the improper performance of such a function or activity; or
- offers, promises, or gives a financial or other advantage to another person and knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity.

Section 2, Being bribed:

This section makes it an offence when a person:

- Requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly;
- Requests, agrees to receive or accepts a financial or other advantage and the request, agreement or acceptance itself constitutes the improper performance of the person of a relevant function or activity;
- Requests, agrees to receive or accepts a financial or other advantage as a reward for the improper performance of a relevant function or activity; or
- In anticipation of or in consequence of the person requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly.

Section 6, Bribery of foreign public officials:

Under this section an offence is committed where a person:

- Intends to influence a foreign official in their official capacity and intends to obtain or retain business or an advantage in the conduct of business; or
- Offers, promises or gives any financial or other advantage to a foreign public official.

Maldon District Council – Anti-corruption and bribery policy**Section 7, Failure of commercial organisation to prevent bribery:**

A relevant commercial organisation is guilty of an offence:

- If a person associated with the organisation bribes another person intending to obtain or retain business for the organisation or to obtain or retain an advantage in the conduct of business for the organisation and the organisation fails to take reasonable steps to implement adequate procedures to prevent such activity.

Are we a “commercial organisation”?

- The Council is a commercial organisation for the purposes of the Bribery Act 2010.

What are ‘adequate procedures’?

- In the first instance it is for each organisation to determine procedures which it considers proportionate. Ultimately, if bribery occurs, a court will decide whether the procedures are adequate.

In determining procedures, we need to have regard to the following six principles which are set out in guidance produced by the Ministry of Justice:

1. Proportionate procedures

- An organisation’s procedures to prevent bribery and corruption by persons associated with it are proportionate to the bribery and corruption risks it faces and to the nature, scale and complexity of the organisation’s activities. They are also clear, practical, accessible, effectively implemented and enforced.

2. Top level commitment

- The top-level management (be it a board of directors, the owners or any other equivalent body or person) are committed to preventing bribery by persons associated with it. They foster a culture within the Council in which bribery is never acceptable.

3. Risk assessment

- The Council assesses the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment is periodic, informed and documented.

4. Due diligence

- The Council applies 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 Council, in order to mitigate identified bribery risks.

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- Training on this policy forms part of the induction process for all individuals who work for us, and regular training will be provided as necessary.
- Our zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors and business partners at the outset of our business relationship with them and as appropriate thereafter.

6. Monitoring and review

- The Council monitors and reviews procedures designed to prevent bribery by persons associated with it and makes improvements where necessary.
- The Council is committed to proportional implementation of these principles.