

LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD

ANTI-BRIBERY POLICY

1. Policy Statement

1.1 Bribery is a criminal offence. We 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.

1.2 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.

1.2 We are committed to the prevention, deterrence and detection of bribery. We have zero-tolerance towards bribery whether internal or external to the Board. We aim to maintain continuous anti-bribery compliance, rather than as a one-off exercise.

2. Bribery

2.1 Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage. Any such advantage is referred to as a “business advantage” in this policy. More guidance is given in Appendix 1. 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 the Board in return.
- Retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy.
- Engage in activity in breach of this policy.

2.2 Anyone found guilty by a Court of committing bribery could face up to 10 years in prison and/or an unlimited fine. The Board could also face prosecution and be liable to pay a fine.

3. Policy Objectives

- 3.1 This policy provides a coherent and consistent framework to enable the Board Members and employees to understand and implement arrangements enabling compliance. In conjunction with related policies and other key documents it will also enable Board Members and employees to identify and effectively report a potential breach.
- 3.2 The Board requires that Board Members and employees, including those permanently employed, temporary agency staff, consultants and contractors:
- Act honestly and with integrity at all times and safeguard the organisation's 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 Board operates, in respect of the lawful and responsible conduct of activities.

4. Scope

- 4.1 This policy applies to all of the Board's activities. For partners, agents and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.
- 4.2 Within the Board, the responsibility to control the risk of bribery occurring resides with all Board Members, the Principal Officer and senior managers.
- 4.3 This policy covers all Board Members and employees including those permanently employed, temporary agency staff, contractors, agents, volunteers and consultants.

5. The Board's Commitment to Action

- 5.1 The Board commits to:
- Setting out a clear anti-bribery policy and keeping it up to date.
 - Making all Members and employees aware of their responsibilities to adhere strictly to this policy at all times.
 - Training all Members and employees so that they can recognise and avoid the use of bribery by themselves and others.
 - Encouraging 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.
 - 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 Officers to report breaches and suspected breaches of this policy.
- Include appropriate clauses in contracts to prevent bribery.

6. Facilitation Payments

- 6.1 Facilitation payments are unofficial payments made to Members or employees in order to secure or expedite actions they are otherwise obliged to perform. Facilitation payments are illegal and will not be tolerated.

7. Gifts and Hospitality

- 7.1 This policy complements the requirements of our gifts and hospitality policy as detailed in the Employees Code of Conduct, the Member Code of Conduct and elsewhere

8. Public Contracts and Failing to Prevent Bribery

- 8.1 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”.
- 8.2 Organisations that are convicted of “failing to prevent bribery” are not automatically barred from participating in tenders for public contracts.
- 8.3 The Board has the discretion to exclude organisations convicted of this offence.

9. Member and Employees Responsibilities

- 9.1 All Board Members and employees are required to avoid any activity that breaches this policy. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all Board Members and Officers working for the Board or under its control.
- 9.2 Members and employees must:
- Ensure that they read, understand and comply with this policy.
 - 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.
- 9.3 The Members Code of Conduct requires that where a Board Member acts as a representative of the Board 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.
- 9.4 As well as the possibility of civil action and criminal prosecution, Board Members who breach this policy may be subject to a Code of Conduct investigation and if convicted of a criminal offence may be debarred from the Board.
- 9.5 As well as the possibility of civil action and criminal prosecution, employees who breach this policy will 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.

10. Raising a Concern

- 10.1 The Board is committed to ensuring that there is a safe, reliable and confidential way of reporting any suspicious activity. It wants Members and each and every employee to know how they can raise concerns.
- 10.2 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.
- 10.3 There are multiple channels to help Members and employees to raise concerns. Please refer to the Board's Anti-Fraud and Corruption Policy and determine your favoured course of action.
- 10.4 Preferably the disclosure will be made and resolved internally (e.g. to the Principal Officer). Where internal disclosure proves inappropriate, concerns can be raised with the External Auditor, Internal Auditor, relevant professional bodies or regulatory organisations.
- 10.5 Concerns can be reported anonymously in accordance with the Board's Whistle Blowing and Anti-Fraud and Corruption policies. In the event that an incident of bribery is reported, the Board will act as soon as possible to evaluate the situation. There is a clearly defined Anti-Fraud and Corruption policy which set out procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind.
- 10.6 Members and employees who refuse to accept a bribe, or those who raise concerns can understandably be worried about repercussions. The Board 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.
- 10.7 We are committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery, or because of reporting a concern in good faith.
- 10.8 If you have any questions about these procedures, please contact the Principal Officer.

APPENDIX 1: THE BRIBERY ACT

The Bribery Act

There are four key offences under the Act:

- Bribery of another person (section 1)
- Accepting a bribe (section 2)
- Bribing a foreign official (section 6)
- Failing to prevent bribery (section 7)

The Bribery Act 2010 (http://www.opsi.gov.uk/acts/acts2010/ukpga_20100023_en_1) 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). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. There is also a corporate offence under Section 7 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. 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.

Penalties

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

Bribery is a serious offence against the Board and employees will face disciplinary action if there is evidence that they have been involved in this activity, which could result in summary dismissal for gross misconduct. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case. Board Members will have to resign as a Member of the Board.

Adequate Procedures

Whether the procedures are adequate will ultimately 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 within the Board. It is for individual organisations to determine proportionate procedures in the recommended areas of six principles. These principles are not prescriptive. They are intended to be flexible and outcome focused, allowing for the different circumstances of organisations.

Small organisations will, for example, face different challenges to those faced by large multi-national enterprises. The detail of how organisations apply these principles will vary, but the outcome should always be robust and effective anti-bribery procedures.

Proportionate Procedures

An organisation's procedures to prevent bribery by persons associated with it are proportionate to the bribery 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.

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 organisation in which bribery is never acceptable.

Risk Assessment

The organisation 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. It includes financial risks but also other risks such as reputational damage.

Due Diligence

The organisation 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 organisation, to mitigate identified bribery risks.

Communication (including training)

The organisation seeks to ensure that its 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 it faces.

Monitoring and Review

The organisation monitors and reviews procedures designed to prevent bribery by persons associated with it and makes improvements where necessary.

This Board is committed to the proportionate implementation of these principles.