



HUMBERSIDE FIRE AND RESCUE SERVICE

Finance & Procurement

Anti-Bribery Policy

Owner	Executive Director of Finance/S.151 Officer
Responsible Person	Head of Finance
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What we must
do well



How we support our
communities



We value and support
the people we employ



We efficiently manage
the Service

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1. INTRODUCTION

This Statement sets out the policy of Humberside Fire Authority (HFA), including Humberside Fire and Rescue Service (HFRS), in relation to bribery.

The HFA takes its responsibilities to protect the public purse very seriously and is fully committed to the highest ethical standards, in order to ensure the proper use and protection of public funds and assets. To achieve the objectives set out within the HFA's Strategic Plan, the HFA needs to maximise the financial resources available to it. In order to do this, the Council has an ongoing commitment to continue to improve its resilience to fraud, corruption (including bribery) and other forms of financial irregularity.

The HFA advocates **strict adherence** to its anti-fraud framework and associated policies. Whilst individual circumstances of each case will be carefully considered, in the majority of cases there will be **a zero-tolerance approach to fraud and corruption (including bribery)** in all of its forms. The HFA will not tolerate fraud or corruption by its Members (which includes Independent Co-opted Members), employees, suppliers, contractors, partners, volunteers or service users and will take all necessary steps to investigate all allegations of fraud or corruption and pursue sanctions available in each case, including removal from office, disciplinary action, dismissal, civil action for recovery and/or referral to the Police and/or other agencies. The required ethical standards are included in both the Members' Code of Conduct and Officers' Code of Conduct, both documents forming part of the overall Constitution of the Fire Authority.

The HFA fully recognises its responsibility for spending public money and holding public assets. The prevention, and if necessary, the investigation, of fraud and corruption (including bribery) is therefore seen as an important aspect of its duties which it is committed to undertake. The procedures and also the culture of the HFA are recognised as important in ensuring a high standard of public life.

The HFA's general belief and expectation is that those associated with it (employees, Members, service users, contractors and voluntary bodies) will act with honesty and integrity. In particular members and employees are expected to lead by example and will be accountable for their actions.

The HFA will take steps to help ensure high standards of ethical behaviour are adopted in partnerships to which the HFA is a member. This will be done through applying appropriate elements of this document to all partnership working, where it is relevant to do so. With regard to partnership working, responsibility for Codes of Conduct and policies of this nature (and so for enforcement action for breach of those codes or policies) generally lies with the relevant individual organisation in the partnership. Where appropriate, the HFA will draw the attention of the partner organisation to its concerns.

This Anti-Bribery Policy is supplementary to the HFA's wider Anti-Fraud and Corruption Policy, which sets out what actions the HFA proposes to take over the medium-term future to continue to develop its resilience to fraud and corruption. The Policy sets out the key responsibilities with regard to fraud prevention, what to do if fraud is suspected and the action that will be taken by management.

Core Code of Ethics

HFRS has adopted the Core Code of Ethics for Fire and Rescue Services. The Service is committed to the ethical principles of the Code and strives to apply them in all we do, therefore, those principles are reflected in this Policy.

National Guidance

Any National Guidance which has been adopted by HFRS, will be reflected in this Policy.

2. EQUALITY AND INCLUSION

HFRS has a legal responsibility under the Equality Act 2010, and a commitment, to ensure it does not discriminate either directly or indirectly in any of its functions and services nor in its treatment of staff, in relation to race, sex, disability, sexual orientation, age, pregnancy and maternity, religion and belief, gender reassignment or marriage and civil partnership. It also has a duty to make reasonable adjustments for disabled applicants, employees and service users.

3. AIM AND OBJECTIVES

This policy provides a coherent and consistent framework to enable HFA's employees (and other 'relevant persons') to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable employees to identify and effectively report a potential breach.

HFA requires that all relevant persons, including those permanently employed, temporary staff, agency staff, consultants, contractors, volunteers, partners and Members:

- Act honestly and with integrity at all times and to safeguard HFA'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 HFA operates, in respect of the lawful and responsible conduct of activities.

4. ASSOCIATED DOCUMENTS

- [Equality Impact Analysis](#)
- Legal References
 - [Bribery Act 2010](#)
 - [Public Contracts Regulations 2006](#)
 - [CIPFA's Code of Practice on Managing the Risk of Fraud and Corruption](#)
 - [Local Government Fraud Strategy – Fighting Fraud Locally](#)

- National Guidance
There is no specific national Guidance relating to this policy.
- [Anti-Fraud and Corruption Policy](#)
- [Gifts and Hospitality Policy](#)
- [Whistleblowing Policy](#)
- [Gifts and Hospitality Register](#)

5. SCOPE OF THIS POLICY

This policy applies to all of HFA's activities. For partners, joint ventures and suppliers, it will seek to promote the adoption of policies consistent with the principles set out in this policy.

Responsibility to control the risk of bribery occurring resides at all levels of the organisation. It does not rest solely within assurance functions, but in all business units and corporate functions.

This policy covers all personnel, including all levels and grades, those permanently employed, temporary agency staff, contractors, non-executives, agents, Members, volunteers and consultants.

6. WHAT IS BRIBERY?

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

There are four key offences under the Bribery Act 2010:

- 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 makes it an offence to offer, promise or give a bribe (Section 1).

It is also an offence to request, agree to receive, or accept a bribe (Section 3).

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.

7. PENALTIES

An individual guilty of an offence under sections 1, 2 or 6 is liable:

- On conviction in a magistrate's court for a single offence, to imprisonment for 6 months and/or a fine. A defendant facing two or more offences can be sentenced to a maximum of 12 months imprisonment and/or a fine.
- 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.

8. PUBLIC CONTRACTS AND FAILURE TO PREVENT BRIBERY

Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK), a company is automatically debarred from competing for public contracts where it is convicted of a corruption offence, including bribery. The HFA will, in such cases, exclude organisations convicted of any such offences from participating in tenders for public contracts with it.

9. POLICY STATEMENT – ANTI-BRIBERY

Bribery, either directly between two parties or using a third party as a conduit to channel bribes to others, is a criminal offence. Humberside Fire Authority (including Humberside Fire and Rescue Service) does not, and will not, pay bribes or offer an improper inducement to anyone for any purpose, nor does it or will it, accept bribes or improper inducements or engage indirectly in or otherwise encourage bribery. The HFA is committed to the prevention, deterrence and detection of bribery. It has a zero-tolerance approach towards bribery. The HFA aims to maintain anti-bribery compliance "business as usual", rather than as a one-off exercise.

10. HUMBERSIDE FIRE AUTHORITY'S COMMITMENT TO ACTION

The HFA commits to:

- Setting out a clear Anti-Bribery Policy and keeping it up to date.
- Making all employees aware of their responsibilities to adhere strictly to this policy at all times.
- Training all employees so that they can recognise and avoid occurrences of bribery by themselves and others.
- Encouraging its 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 employees to report breaches and suspected

breaches of this policy.

- Include appropriate clauses in contracts to prevent bribery.

11. BRIBERY IS NOT TOLERATED

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 where it is known or suspected that it is offered with the expectation that it will obtain a business advantage for them.
 - accept a gift or hospitality from a third party where it is known or suspected that it is offered or provided with an expectation that a business advantage will be provided by the Council in return.
 - retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy.
- a. engage in activity in breach of this policy.

12. GIFTS AND HOSPITALITY

This policy is not meant to change the requirements of the HFA's Gifts and Hospitality policy. This makes it clear that:

- Nominal gifts and hospitality up to a financial value of £25 are often acceptable, depending upon the circumstances.
- Reasonable, proportionate gifts and hospitality made in good faith and that are not lavish are often acceptable.

In general terms, however, an employee must:

- Treat any offer of a gift or hospitality if it is made to them personally with extreme caution
- Not receive any reward or fee other than their salary
- Never accept monetary gifts of any kind
- Always refuse offers of gifts or services to them (or their family members) from organisations or persons who do, or might, provide work, goods or services, to the HFA or who require a decision from the HFA
- Always report any such offer to their line manager

When deciding whether or not to accept an offer of a gift, the context is very important. An offer from an organisation seeking to do business with or provide services to the

HFA or in the process of applying for permission or some other decision from the HFA is unlikely ever to be acceptable, regardless of the value of the gift.

13. STAFF RESPONSIBILITIES

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the organisation or under its control. All staff are required to avoid activity that breaches this policy.

As individuals you must:

- ensure that you read, understand and comply with this policy
- 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.

As well as the possibility of civil legal action and criminal prosecution, staff that breach this policy will face disciplinary action, which could result in dismissal for gross misconduct.

14. RAISING A CONCERN

The HFA is committed to ensuring that there is a safe, reliable, and confidential way of reporting any suspicious activity, and wants each and every member of staff to know how they can raise concerns.

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 it is brought to attention, the sooner it can be resolved.

There are multiple channels to help raise concerns. Please refer to the HFA's Whistleblowing Policy and Flow Chart and determine the favoured course of action. Preferably the disclosure will be made and resolved internally (e.g. to a line manager or head of department). Secondly, where internal disclosure proves inappropriate, concerns can be raised with the HFA's Monitoring Officer/Secretary, the Executive Director of Finance /Section 151 Officer or the External Auditor (Mazars). Raising concerns in these ways may be more likely to be considered reasonable than making disclosures publicly (e.g. to the media).

Concerns can be anonymous. In the event that an incident of bribery, corruption, or wrongdoing is reported, the HFA will act as soon as possible to evaluate the situation. It has clearly defined procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in an investigation of this kind. This is easier and quicker if concerns raised are not anonymous.

Staff who raise concerns or report wrongdoing, including those staff who reject an offer made to them that could be perceived as bribery, could understandably be worried about the repercussions. The HFA 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.

The HFA 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.

15. OTHER RELEVANT POLICIES

Further information on relevant HFA policy and practice can be found in the following internal documents:

The Constitution includes:

- Financial Procedure Rules
- Contract Procedure Rules
- Members' Code of Conduct
- Officers' Code of Conduct
- Anti-Fraud and Corruption Policy
- Whistleblowing Policy
- Gifts & Hospitality Policy
- Anti-Money Laundering Policy

16. USEFUL LINKS

- The Bribery Act 2010
- Bribery Act guidance
- CIPFA's Code of Practice on Managing the Risk of Fraud and Corruption
- Local Government Fraud Strategy – Fighting Fraud Locally

17. POLICY REVIEW

The HFA's Chief Financial Officer (S.151 Officer) and the HFA will ensure the continuous review and amendment of this policy document, to ensure that it remains compliant with good practice national public sector standards, primarily CIPFA's Code of Practice on Managing the Risk of Fraud and Corruption and the Local Government Fraud Strategy – Fighting Fraud Locally and meets the needs of Humberside Fire Authority.

**For further information or guidance on this policy please contact
the Finance and Procurement Section.**