

Anti-Bribery Policy

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Introduction

The UK Bribery Act 2010 came into force on 1 July 2011 and has been enacted to enable robust action to be taken against such activity. **Greater Manchester Combined Authority (GMCA)** (including **Greater Manchester Fire Service (GMFRS)**) is committed to protecting the public purse and ensuring the services we provide are free from abuse. We have a zero-tolerance approach to acts of bribery, fraud, and corruption.

The GMCA's Anti-Bribery Policy is a vital element of our governance arrangements and the policy should be read in conjunction with the GMCA Counter Fraud Strategy and other relevant policies and codes including Employee and Member Codes of Conduct.

GMCA will seek to ensure the corporate stance on bribery is widely publicised and that all employees and Members have access to the appropriate guidance. A failure to comply with the procedures set out in this policy document may result in disciplinary and/or criminal action.

What is Bribery?

Bribery is defined within the Bribery Act 2010 as the offering, promising, giving, receiving or soliciting of a financial or other advantage for the purpose of influencing the actions of an official or other person to perform improperly in the discharge of a public or legal duty. The act of bribery is the intention to gain a personal, commercial, regulatory, or contractual advantage. For example: giving someone money or offering a job in return for favours or special treatment.

Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions. These are not tolerated and are illegal.

Scope and Aims

This policy extends to all GMCA activities and personnel and applies to the GM Mayor and Elected Members (including Co-opted Independent Members and appointed Advisors), GMCA employees, including temporary and agency staff, contractors, consultants as well as volunteers. It contains specific sections to advise employees and Members of the types of offences within the Bribery Act 2010 and the process to be followed to enable the Authority to comply with its legal obligations.

HM Government published the UK Anti-Corruption Plan in December 2014, putting in place new arrangements requiring 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. 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 GMCA Member Code. Failure to comply with the code could lead to the Member being censured.

GMCA has a Standards Committee which has put in place procedures and approved processes for dealing with matters of conduct and ethical standards of GMCA Members.

For all partner organisations, joint ventures, and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.

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

Aims

We expect that all employees and Members demonstrate the highest standards of honesty and integrity and this includes compliance with the relevant legislation. To do this **we require all staff to:**

- read, understand, and comply with this policy.
- act honestly and with integrity always and safeguard GMCA resources for which they are responsible.
- be vigilant and report any concerns of bribery as soon as possible if it is believed or suspected that a conflict with this policy has occurred or may occur in the future.
- undertake relevant anti-bribery training so that they can recognise and avoid the use of bribery by themselves and others.

GMCA will ensure that there are appropriate channels for reporting suspicions of bribery in a confidential manner. We will investigate any alleged instances of bribery and assist the police and any other appropriate authority where necessary.

As well as the possibility of civil and criminal prosecution, employees breaching this policy will face disciplinary action, which could result in dismissal in cases of gross misconduct.

The UK Bribery Act 2010

Key Points

Offences: There are four offences under the UK Bribery Act 2010, which are summarised below; further details are provided at Appendix 1:

- Offering, promising, or giving a bribe.
- Requesting, agreeing to receive, or accepting a bribe.
- Bribing a foreign public official; and
- Failure of commercial organisations to prevent bribery.

Section 1: Offence of Bribing another person

This makes it an offence to offer, promise or give a bribe to another 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: To request, agree to receive, or accept a bribe.

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: Offence to Bribe a foreign public official in order to obtain or retain business.

- 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

Section 7: Failure by a commercial organisation to prevent bribery in the course of business – corporate offence.

- 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

For the purposes of the Bribery Act 2010, GMCA is considered a commercial organisation.

Prohibited Actions

The GMCA prohibits the offering, giving, promising, solicitation or the acceptance of any bribe, whether cash or other inducement, specifically:

- to or from any person or company, wherever they are situated and whether they are: a public official or body, a private person, a company, any individual employee, agent or other person or body acting on the GMCA's behalf.
- in order to gain any commercial, contractual, or regulatory advantage for the GMCA or group in a way which is unethical.
- In order to gain any personal advantage, financial or otherwise for the individual, the Authority, or partner organisations, or anyone connected with said parties.

Employees and Members are forbidden from accepting any inducement which would result in a personal gain or advantage to the briber or any person(s) or third parties associated with them.

Penalties

Penalties Following Prosecution

The legislation includes severe penalties for breaches of the Act.

Under Section 14 of the Act, Directors, Senior Managers, and employees who are found to be involved can all be held personally liable; together with heavy fines for organisations for a failure to prevent bribery.

An individual found guilty of an offence under Sections 1, 2 or 6 of the Bribery Act is liable on conviction at:

- Magistrates Court: imprisonment for a maximum of 12 months (six months in Northern Ireland), or to an unlimited fine or to both.
- Crown Court: imprisonment for a maximum term of 10 years, or to an unlimited fine, or both.
- A person guilty of an offence under section 7 is liable on conviction on indictment to a fine.

Internal Sanctions

- As well as the possibility of criminal prosecution (above), any officer found to be breaching this policy by being involved in bribery may face disciplinary action, which could result in dismissal in cases of gross misconduct.
- Any Member found to be involved in bribery will be reported to the GMCA Monitoring Officer who may refer the matter to the Standards Committee.
- Any supplier found to be involved in bribery is liable to have their contract terminated. The GMCA will actively pursue the recovery of any costs or financial loss incurred as a result of such termination.

Adequate Procedures

Section 7 of the Act provides a defence for commercial organisations against prosecution if there are **adequate procedures** in place to prevent bribery. The Secretary of State has issued statutory guidance on the procedures that relevant commercial organisations can put in place (**Appendix 2**).

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 adequate procedures GMCA need to have regard to the following six principles:

1. 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.

2. Top Level Commitment

The **GMCA Chief Executive, Chief Fire Officer and Senior Leadership Team (SLT)** are committed to preventing bribery and it has overall responsibility for establishing the anti-bribery Policy and promoting a culture that prohibits bribery and corruption involving GMCA employees and any third parties acting on behalf of GMCA. The SLT are responsible for ensuring that the principles of the Policy

are adhered to and that appropriate responsibilities, procedures, internal controls are sufficient, and all staff and partners are made aware of this Policy.

It is the responsibility of the **Head of Audit and Assurance** to monitor and report annually on adherence to the Anti-Bribery and Corruption Policy. This may be derived from periodic staff awareness surveys.

3. Risk assessment

The **SLT** supported by **Head of Audit and Assurance** through the corporate Risk Management Framework is responsible for providing the risk assessment procedure and process which identifies and priorities risks from bribery and corruption. As part of normal risk management activity, the **SLT** will assesses the nature and extent of its exposure to potential external and internal risks of bribery from its activities.

Effective risk assessment is core to the success of this Anti-Bribery Policy. The identification of specific areas of the business where GMCA may face the risk of bribery requires increased focus on evaluating those risks and the mitigation required to protect the organisation. Bribery Risk assessment should be conducted by management and form part of the corporate risk management process.

4. Due Diligence Checks

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 GMCA. The Bribery Act 2010 advise that “Knowing exactly who you are dealing with can help to protect your organisation from taking on people who might be less than trustworthy. You may therefore want to ask a few questions and do a few checks before engaging others to represent you in business dealings”.

Due Diligence checks could consist of relevant checks including financial due diligence, a review of company Directors and Shareholders involved, including any third parties or co-investors; and product or market related due diligence. The decision to conducted further enhanced due diligence should take place based on the results of checks already undertaken. It is not usually necessary to conduct a due diligence Check on a supplier simply supplying goods and services to GMCA, where it is unlikely that there is a supply of services further down the supply chain.

Due diligence reports that contain evidence of negative news reports, warnings or sanctions involving a supplier or potential business relationship, as well as any association with politically exposed persons, which may present an increased risk of bribery and corruption must be raised by the requesting employee with the **GMCA Solicitor and Monitoring Officer** before commissioning the supplier.

5. Communication and Training

SLT seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation. This will be done through internal and external communication and appropriate training. The GMCA staff induction process shall also ensure that new employees complete the Bribery Act 2010 e-learning module.

All employees covered under this Policy’s scope shall ensure that they read and understand this Policy and complete the Bribery Act 2010 e-learning.

Businesses who act on GMCA’s behalf must be formally advised of the existence of, and operate at all times in accordance with, this Anti-Bribery Policy. A copy of the Anti-Bribery Policy should be made available to them on their appointment by the contracting party.

6. Monitoring and Review

The **Head of Audit and Assurance** will produce an annual report to the GMCA Audit Committee on the Policy's implementation and organisational compliance, identifying any necessary changes to procedures designed to prevent and detect acts of bribery. The report shall also include details of any reported Bribery concerns and investigations conducted.

GMCA is committed to proportionate implementation of these principles.

Gifts and Hospitality

As a representative of GMCA, it is important that you treat any offer of gifts or hospitality with care.

You must: make sure that any modest gifts or hospitality accepted on behalf of GMCA are authorised by your manager using the declaration form.

You must not: accept personal gifts, loans, fees, rewards or advantage from contractors, potential contractors including those who have previously worked for GMCA, service users or outside suppliers. If you are unclear what is acceptable, ask your manager. Further information can also be found in the GMCA Constitution and Gifts and Hospitality policy.

INCLUDE LINK to G&H Policy

Responsibilities

The GMCA takes seriously its responsibilities in meeting the legal obligations under the Bribery Act in ensuring that the exposure to risk is minimised in relation to acts of bribery and corruption in the course of business activities.

The GMCA recognises that any Member or employee engaging in acts of bribery will reflect adversely on its reputation and of the public sector in general.

How to Raise a Concern

All employees have a responsibility to help deter, detect, prevent, and report instances of bribery and GMCA ensures that there is a safe, reliable, and confidential way of reporting any suspicious activity. All members of staff should know how they can raise concerns.

If you have a concern regarding a suspected instance of bribery and corruption, this should be reported as soon as possible. Employees who raise concerns or report wrongdoing (e.g. that they have been offered a bribe or who have been asked to bribe a third party) can understandably be worried about whether there will be repercussions. We aim to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if those concerns turn out to be mistaken.

The **GMCA Whistleblowing Policy** sets out how and to whom concerns should be raised and the safeguards for employees and workers who make certain disclosures of information in the public interests.

Concerns can be made anonymously, but where possible, the policy does encourage individuals to put their name to allegations. If an incident of bribery, corruption, or wrongdoing is reported, action will be taken as soon as possible to evaluate the situation. GMCA has clearly defined procedures for investigating fraud, misconduct, and non-compliance issues and these will be followed in any investigation of this kind.

There are multiple channels to help raise concerns. **These are set out in GMCA's Whistleblowing Policy (see Appendix C).**

Whistleblowing concerns can be reported to Internal Audit as follows:

Concerns can also be raised with the GMCA Head of Audit and Assurance via the following

- E-mail at: internal.audit@greatermanchester-ca.gov.uk
- Telephone: 0161 778 7000
- In writing to Head of Audit and Assurance, Confidential, Greater Manchester Combined Authority, Broadhurst House 56 Oxford Street Manchester, M1 6EU

Concerns can also be raised with the GMCA Treasurer via the following:

E-mail at: Steve.Wilson@greatermanchester-ca.gov.uk

Telephone: 0161 778 7004

GMCA employees and workers can raise concerns through their manager if they feel confident to do so. The manager must then follow the obligation of confidentiality and reporting procedures as detailed in the next section.

Other Relevant Policies

The following policies should be read in conjunction with this Anti-Bribery Policy:

[hyperlink these when published on the intranet]

- Whistleblowing Policy
- Anti-Money Laundering Policy
- Counter Fraud and Corruption Policy
- Fraud Response Procedures
- Gifts and Hospitality Policy

UK Bribery Act 2010 - <https://www.legislation.gov.uk/ukpga/2010/23/contents>

Bribery Act 2010 Government Guidance - <https://www.gov.uk/government/publications/bribery-act-2010-guidance>

GMCA's Whistleblowing Policy – [gmca-whistleblowing-policy-november-2020.pdf \(greatermanchester-ca.gov.uk\)](#)

GMCA's Anti-Money Laundering Policy – [Report fraud and corruption - Greater Manchester Combined Authority \(greatermanchester-ca.gov.uk\)](https://www.greatermanchester-ca.gov.uk)

Standards in Public Life (Nolan Principals) [Committee on Standards in Public Life - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Government legislation and guidance for the corporate offence of failure to prevent the criminal facilitation of tax evasion – <https://www.gov.uk/government/consultations/tackling-tax-evasion-a-new-corporate-offence-of-failure-to-prevent-the-criminal-facilitation-of-tax-evasion>

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Appendix 1

BRIBERY AND CRIMINAL FACILITATION OF TAX EVASION - OFFENCES TABLE

Legislation	Type of Offence	Definition
Bribery Act 2010	Section 1: Offence of bribing another person	<p>This section makes it an offence when:</p> <ul style="list-style-type: none"> 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 of 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	<p>This section makes it an offence when a person:</p> <ul style="list-style-type: none"> 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 or 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	<p>Under this section an offence is committed where a person:</p> <ul style="list-style-type: none"> Intends to influence a foreign official in an official capacity and intends to obtain or retain business or an advantage in the conduct business; or Offers, promises, or gives any financial or other advantage to a foreign public official.

	Section 7: Failure of a commercial organisation is guilty of an offence	A relevant commercial organisation is guilty of an offence: <ul style="list-style-type: none"> • If a person associated with the organisation bribes another person intending 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.
Criminal Finances Act 2017	Section 45 (4) UK tax evasion offence	In this part "UK tax evasion offence" means: <ul style="list-style-type: none"> • An offence of cheating the public revenue, or • An offence under the law of any part of the United Kingdom consisting of being knowingly concerned in, or in taking steps with a view to, the fraudulent evasion of a tax
	Section 45 (5) UK tax evasion facilitation offence	In this part "UK tax evasion facilitation offence" means an offence under the law of any part of the United Kingdom consisting of: <ul style="list-style-type: none"> • Being knowingly concerned in, or taking steps with a view to, the fraudulent evasion of a tax by another person • Aiding and abetting, counselling, or procuring the commission of a UK tax evasion offence, or • Being involved at and part in the commission of an offence consisting of being knowingly concerned in, or in taking steps with a view to, the fraudulent evasion of a tax.
	Section 45 (1) and (2) Failure to prevent facilitation of UK tax evasion offences	A relevant body is guilty of an offence if a person commits a UK tax evasion facilitation offence when acting in the capacity of a person associated with that relevant body. It is a defence for the relevant body to prove that, when the UK tax evasion facilitation offence was committed: <ul style="list-style-type: none"> • The relevant body had in place such prevention procedures as it was reasonable in all the circumstances to expect the relevant body to have in place, or • It was not reasonable in the circumstances to expect the relevant body to have any prevention procedures in place.

Appendix 2

Principles to be Considered When Determining Procedures	
Principle 1: Proportionate Procedures - Clear, practical, and accessible policies and procedures – clearly state what is acceptable and what is not.	<p>Specific anti-bribery policy and procedures which support the GMCA's stance.</p> <p>Procedures proportionate to the risks faced by the GMCA.</p> <ul style="list-style-type: none"> • We will conduct our business fairly, honestly, and openly. • Facilitation or 'grease' payments and kickbacks are a type of 'bribe' used to influence favourable treatment or future purchases and will not be tolerated. Employees must notify Internal Audit if they identify any kind of request for a facilitation payment. • We do not allow employees to accept money, gifts, hospitality and other advantages from contractors, suppliers or service providers which are intended or could be seen to influence a business decision or a transaction. • Registers are in place to record gifts, hospitality, and conflicts of interest, to ensure appropriate transparency and oversight. • We will not give or offer any money, gift, hospitality, or other advantage to any person carrying out a business or public role to get them to do something improper or to improperly influence them to our advantage.
Principle 2: Top level commitment – Sending a clear message that bribery will not be tolerated.	<p>To be reflected and communicated in relevant policies, procedures and codes including specific anti-bribery policy.</p> <p>It is the responsibility of all Employees and Third Parties to prevent, detect, and report bribery and corruption.</p>
Principle 3: Risk Assessment - understanding GMCA's exposure to bribery risk.	<p>We will carry out regular bribery risk assessments to determine the level of exposure and to identify any additional procedures necessary to those already in place.</p> <p>Directorate functions will review their own risk exposure to bribery for their activities.</p>
Principle 4: Due Diligence Checks - Knowing who GMCA does business with.	<p>Understanding the GMCA's contractors, service providers and funding recipients and those working for and on behalf of the GMCA and seeking assurance that they have adequate procedures in place to prevent bribery and corruption.</p> <p>We expect contractors to abide by the principles of this Policy and ensure equal standards are upheld within their subcontractor populations.</p>

	<p>Third parties: ensuring those consultants or intermediaries who advise or do business on our behalf of GMCA endorse and commit to our anti-bribery stance.</p> <p>Ensuring legal agreements and contracts contain appropriate anti-bribery and corruption clauses.</p> <p>Providing assurance over due-diligence checks within key processes such as procurement, commissioning and contracting, investment loans, grant funding payments, vendor payments and recruitment vetting.</p>
<p>Principle 5: Communication and Training - Effective implementation – going beyond paper compliance and embedding anti-bribery controls.</p>	<p>Employees will be provided with appropriate training in this area and policies and procedures will be communicated across the organisation.</p> <p>We will undertake a bribery and other financial crime risk assessment regularly to ensure the appropriate management of risk. The results of the risk assessment will be documented and reported.</p>
<p>Principle 6: Monitoring and Review – regular review of policies, procedures, and processes to prevent bribery and corruption.</p>	<p>GMCA will review the contents of the Anti-Bribery Policy on an annual basis ensuring the policy remains up to date, reflects good practice and make improvements where necessary. Any changes will be agreed with GMCA Audit Committee.</p> <p>We will seek to review understanding and levels of compliance with existing policy and procedures.</p>