



**PUBLIC PROSECUTION SERVICE
FOR NORTHERN IRELAND**

**ANTI-BRIBERY AND
CORRUPTION POLICY**

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1. Introduction

- 1.1 The Bribery Act 2010 came into effect on 1 July 2011. The Act modernises the law on bribery and seeks to provide a revised framework of offences to combat bribery in the public and private sectors.
- 1.2 The Public Prosecution Service (PPS) is committed to ensuring that it has policies and procedures in place which impose a zero-tolerance policy towards bribery and corruption.
- 1.3 This policy applies to all individual members of staff, working at all levels and grades within the PPS and includes external people acting on behalf of PPS (for example Non-Executive Board Members, staff on secondment to and from the PPS, consultants, contracted staff, or any other person associated with the Service).
- 1.4 The PPS requires its staff and other individuals associated with the Service to act with openness, integrity and accountability at all times. It seeks to conduct its affairs in a responsible manner in accordance with the Seven Principles of Public Life (see **Annex A**). All members of staff are expected to observe these principles when carrying out their duties.

2. What is Bribery and Corruption?

- 2.1 Bribery can be described as the offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal, unethical or a breach of trust.. Inducements can take the form of gifts, fees, rewards or other advantages.

- 2.2 Corruption can be defined as the abuse of entrusted power for personal gain.

3. Legal Background

The Fraud Act 2006

- 3.1 The act introduced a legal definition of fraud for the first time and outlined three main ways in which fraud may occur;
- Fraud by false representation;
 - Fraud by failing to disclose information; and
 - Fraud by abuse of position.

The core of all three offences is an improper action leading to personal gain (or loss to another). Such improper actions by a person in a position of trust, for example public office, may amount to corruption.

The Bribery Act 2010

- 3.2 The Bribery Act 2010 was introduced to update and enhance UK law on bribery, including foreign bribery. It abolishes the offences of bribery at common law, the statutory offences in the Public Bodies Corrupt Practices Act 1889, the Prevention of Corruption Act 1906 and the Prevention of Corruption Act 1916, and introduces a new consolidated scheme of bribery offences.
- 3.3 In particular, the Act introduces a new offence for organisations for failing to *prevent* bribery (*Section 7*). The introduction of this new corporate criminal offence places a burden of proof on organisations to show that they have adequate procedures in place to prevent bribery. An organisation is guilty of an offence if an 'associated person' carries out an act of bribery in connection with its business. A person will be 'associated

with' the organisation where the person performs services for or on behalf of an organisation (for example, an employee, agent, or subsidiary) (*Section 8*).

3.4 The Act essentially creates two general offences of:

- bribing another person (active bribery) (*Section 1*); and
- being bribed (passive bribery) (*Section 2*).

It also creates a discrete offence of bribery of a foreign public official (*Section 6*) and a new offence of failure of commercial organisations to prevent bribery by persons associated with them (*Section 7*).

3.5 Bribery and corruption are punishable for individuals by up to 10 years' imprisonment for all offences. Offences relating to commercial organisations carry an unlimited fine and this does not take account of the severe reputational repercussions. The PPS therefore takes its legal responsibilities very seriously in this regard.

4. PPS Response

4.1 A statutory defence to the offence of 'failing to prevent bribery' is the introduction of adequate internal procedures.

4.2 Steps taken by the PPS to prevent bribery and corruption include:

- The appointment of the Senior Assistant Director for Resources and Change as Responsible Officer to deal with all matters relating to bribery and corruption;

- Top level commitment – PPS senior management emphasise a zero-tolerance policy to bribery and corruption;
- Proportionate procedures – i.e. the maintenance of supporting policies and procedures proportionate to the bribery risks faced by the PPS, for example an Anti-Fraud Policy and Fraud Response Plan, Code of Ethics and the maintenance of a Gifts and Hospitality Register and Register of Interests;
- Risk assessments – bribery and corruption risks identified by managers are fed into the PPS's overall risk assessment process, with controls designed to prevent and minimise such risks;

Purchasing and procurement – the PPS exercise appropriate controls in all purchasing and procurement carried out on behalf of the Service. A range of procedures to ensure continuous improvement in these areas has been introduced. All procurement over £30,000 is conducted on behalf of the PPS by the Department of Finance and Personnel's Central Procurement Directorate;

- Communication – guidance is communicated to all staff and PPS's approach disseminated to all suppliers, contractors and business partners; and
- Monitoring and review – review mechanisms have been put into place to monitor and review the effectiveness of this policy.

4.3 The PPS will uphold all laws relevant to countering bribery and corruption. It remains bound by the laws of the UK, including the Bribery Act 2010, in respect of its conduct.

4.4 After full investigation the PPS will take legal and/or disciplinary action in all cases where it is considered appropriate as outlined within the PPS Anti-Fraud Policy and Fraud Response Plan.

5. Roles and Responsibilities

5.1 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the PPS or associated with the PPS. All staff are required to avoid any activity that might lead to, or suggest a breach of this policy.

5.2 It is not acceptable for you (or someone on your behalf) to:

- (i) give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a personal or business advantage will be received, or to reward a personal or business advantage already given;
- (ii) 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;
- (iii) accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a personal or business advantage for them;
- (iv) 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 personal or business advantage will be provided in return;

- (v) threaten or retaliate against another staff member who has refused to commit a bribery offence or who has raised concerns under this policy; or
- (vi) engage in any other activity that might lead to a breach of this policy.

5.3 You must notify an appropriate individual as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future (see paragraph 8.1 below).

6. Implementation

The PPS is committed to the implementation of this policy and will periodically review its systems and processes to ensure these reflect best practice. To implement this policy we have carried out the following:

- Updated existing PPS policy guidance, including the acceptance of gifts and hospitality, in line with the requirements of the Bribery Act;
- Reinforced the internal reporting mechanisms for staff, including formal declarations made by PPS managers in quarterly Assurance Statements;
- Created a culture of zero-tolerance towards potential bribery and corruption issues, highlighting examples of best practice where appropriate;
- Maintained accurate and timely records, including records of purchasing;

- Periodically reviewed and monitored all systems and internal controls to ensure the risk to bribery and corruption is addressed; and
- Effectively communicated this policy to all staff, suppliers, contractors and business partners. A statement outlining the organisation's position on this matter has also been issued on the PPS website.

7. Training and Communication

- 7.1 Training on this policy will form part of the induction process for new members of staff. All existing staff will receive guidance in relation to this policy.
- 7.2 This policy must be communicated to all suppliers, contractors and business partners at the outset of the business relationship with them and as appropriate thereafter.

8. How to raise a concern

- 8.1 All staff and other individuals are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with your line manager, or with the nominated contacts as outlined within the 'PPS Whistleblowing Arrangements'. A copy of this policy can be found on the PPS intranet.

9. If you are a victim of bribery or corruption

- 9.1 It is important that you tell your line manager or a nominated contact as soon as possible if you are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity.

10. Who is responsible for this policy?

- 10.1 The Director, as Accounting Officer, has a leadership role as regards propriety, and his actions and behaviour should set a high standard for the organisation. The essence of an Accounting Officer's role is a personal responsibility for the propriety and regularity of the public finances for which he is answerable; for the keeping of proper accounts; for prudent and economical administration; for the avoidance of waste and extravagance; and for the efficient and effective use of the available resources.
- 10.2 The Senior Assistant Director for Resources and Change, as Responsible Officer, has overall responsibility for this policy. However the Head of Finance has primary day-to-day responsibility for this policy and for dealing with any queries on interpretation.
- 10.3 The Management Board and Audit and Risk Committee are responsible for the monitoring and effectiveness of this policy. Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this policy and are given adequate and regular guidance on it.
- 10.4 As outlined above all staff are responsible for the success of this policy

and should ensure they use it to disclose any suspected danger or wrongdoing.

11. Additional Guidance

11.1 This policy should be read in conjunction with the following guidance:

- PPS guidance on the acceptance and provision of gifts and hospitality.
- The Civil Service Code of Ethics and PPS Code of Ethics.
- Legislation Note No 7/2011.
- PPS Anti-Fraud Policy and Fraud Response Plan.
- PPS Whistleblowing Arrangements.

Copies of this guidance can be found on the PPS intranet.

11.2 The Ministry of Justice has also provided guidance on procedures an organisation can put in place to prevent bribery occurring on its behalf. This guide can be accessed at:

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

11.3 In November 2017 the Northern Ireland Audit office published “Managing the Risk of Bribery and Corruption – A Good Practice Guide for the Northern Ireland Public Sector”. This guide can be accessed at:

<https://www.niauditoffice.gov.uk/publications/managing-risk-bribery-and-corruption>

11.4 In March 2015 the Northern Ireland Audit office published “Conflicts of Interest – A Good Practice Guide”. This guide can be accessed at:

<https://www.niauditoffice.gov.uk/publication/conflicts-interest-good-practice>

12. Summary

12.1 The PPS and its management are committed to a zero-tolerance policy and will not accept any forms of bribery or corruption taking place within the organisation or by external people acting on behalf of PPS.

Annex A: The Seven Principles of Public Life

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.