



The Commission for Victims & Survivors

Anti-Bribery Policy

Version	2
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Date of Next Review	January 2021

Date of Review	Amendments
July 2018	Updated to reflect current staffing of the Commission and incorporate review of related policies.

You may also be interested in the following policies:

[Anti- Fraud Policy](#)
[Gifts and Hospitality](#)
[Whistleblowing](#)

1. Introduction

- 1.1. The Commission for Victims and Survivors for Northern Ireland (the Commission) requires all staff at all times to act honestly and with integrity and to safeguard the public resources for which they are responsible.
- 1.2. The Commission will not accept any level of fraud or corruption; consequently, any case will be thoroughly investigated and dealt with appropriately.
- 1.3. The Commission is committed to ensuring that opportunities for fraud and corruption are reduced to the lowest possible level of risk.

2. The Seven Principles of Public Life

- 2.1. The 7 principles of public life apply to anyone who works as a public office-holder. This includes people who are elected or appointed to public office, nationally and locally, and all people appointed to work in:

- the civil service
- local government
- the police
- the courts and probation services
- non-departmental public bodies
- health, education, social and care services

- 2.2. The Principles are;

- 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.

- 2.3. The principles are the basis of the ethical standards expected of public office holders and Commission employees are expected to adhere to these principles.

3. What is Bribery?

- 3.1. *Bribe* – An inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.
- 3.2. *Facilitation payments* – Unofficial payments made to public officials in order to secure or expedite actions.

The Bribery Act

- 3.3. The Bribery Act 2010 commenced on 1st July 2011 and replaces the offences at common law and under the Public Bodies Corrupt Practices Act 1889, the Prevention of Corruption Act 1906 and the Prevention of Corruption Act 1916.
- 3.4. There are four key offences under the Act;
 - Active offence - Bribery of another person
 - Passive Offence - Accepting a bribe
 - Bribery of foreign public official – Bribing a foreign official
 - Corporate offence – failing to prevent bribery in relation to an active offence
- 3.5. The Bribery Act 2010 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 to gain a competitive advantage.
- 3.6. A corporate offence under Section 7 outlines the failure of an organisation to prevent bribery. 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 Commission.
- 3.7. The Bribery Act specifically states its application to a “commercial organisation” within the notes. There will be circumstances in which the Commission will be deemed a “commercial organisation” for the purposes of Section 7 of the Act. If the Commission is guilty of an offence under Section 7 of the Bribery Act it may be liable to an unlimited fine.
- 3.8. The Ministry of Justice issued Circular 2011/05 in June 2011 in order to address the commencement of the Bribery Act 2010 on 1 July 2011. This particular circular addresses the nature and conduct of investigations under the Bribery Act 2010 in England, Wales and Northern Ireland. This Ministry of Justice guide can be accessed at:

<http://www.justice.gov.uk/downloads/guidance/making-reviewing-law/bribery-act-2010-guidance.pdf>
- 3.9. Further to this circular the Department of Finance and Personnel (DFP) issued DAO (DFP) 09/11 on 20 December 2011 in order to provide clarification on the applicability of the Act, particularly section 7, to public bodies. All employees are referred to the content of this DFP letter with regards to any queries they may have with regards to the application of the Bribery Act to the Commission.

4. Anti-Bribery Procedures

4.1. The Commission's procedures cover 6 principles:

1) Proportionality

The procedures in place within the Commission in relation to the prevention of bribery are proportionate to the bribery risks faced by the Commission and to the nature, scale and complexity of the Commission's activities. The procedures are clear, concise, accessible to all staff and implemented effectively.

2) Top Level Commitment

The Board is committed to preventing bribery by persons associated with the organisation. Within the Commission a culture is fostered in which bribery is never acceptable.

3) Risk Assessment

The nature and extent of the Commission's exposure to potential external and internal risks of bribery on its behalf by persons associated with it is periodically assessed. Those risks considered extend further than solely financial risks but also those qualitative issues such as risks to the Commission's reputation.

4) Due Diligence

The Commission takes a proportionate and risk based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, in order to mitigate identified bribery risks.

5) Communication (Training)

The Commission seeks to ensure that its bribery prevention policy and procedures are ingrained and clearly understood throughout the organisation through internal and external communication, including training that is proportionate to the risks it faces.

6) Monitoring and review

Procedures designed to prevent bribery are monitored and reviewed. Where necessary improvements shall be made.

5. Staff Responsibilities

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

5.2. Every member of staff must:

- Ensure that they read, understand and comply with this policy
- Raise concerns via Line Management, or directly with the Secretary to the Commission, as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur

5.3. An individual guilty of an offence under sections 1, 2 or 6 of the Bribery Act is liable, upon conviction in a crown court, to imprisonment for up to a maximum term of ten years and/or an unlimited fine. As well as the possibility of civil or criminal prosecution staff that breach this policy will face disciplinary action which may result in dismissal for gross misconduct.

6. Unacceptable Behaviour

6.1. 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 if 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 Commission 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

7. Gifts and Hospitality

7.1. The Commission’s policy on Gifts and Hospitality details procedures to be followed as well as staff responsibilities with regards to accepting or offering gifts and hospitality. The Gifts and Hospitality Policy is to act in conjunction with the Anti-Bribery and Corruption Policy.

8. Fraud and Corruption

8.1. The Commission is committed to protecting public funds by ensuring that Commission resources are used for the purpose for which they are intended and by putting safeguards in place to encourage Commission employees to perform their duties with honesty and integrity at all times.

8.2. To this end the Commission also has in place a Fraud Prevention Policy which details arrangements for compliance with the Fraud Act 2006, including staff responsibilities under the Act. The Fraud Prevention Policy acts in conjunction with this policy and is available upon request from the Head of Corporate Services.

9. Raising a concern

9.1. Employees of the Commission owe a duty to the public to be honest and trustworthy in dealing with the Commission and its business. All employees are required to report an issue of concern regarding the provision of services or management of those services. Employees are expected to report concerns as soon as they arise and to avoid any unnecessary delay in doing so.

9.2. Each member of staff has a responsibility to aid the prevention, detection and reporting of instances of bribery.

9.3. If a member of staff has a concern it is expected of them to raise this concern through the appropriate internal channels, or if internal reporting is deemed inappropriate concerns are to be raised externally with the relevant professional body such as the Northern Ireland Audit Office (NIAO).

9.4. ***Please refer to the Commission's Whistleblowing Policy for guidance in relation to raising a concern.***

9.5. Concerns can be raised anonymously, however employees are encouraged to put their name to any allegations as any concern expressed anonymously is much less powerful and is often more difficult to gather sufficient evidence to review the concern's reliability. An employee's identity can be kept confidential without it being anonymous.

10. Untrue Allegations

10.1. If an employee makes an allegation in good faith, but upon investigation no confirmation is given, no action will be taken against them. However if concerns are raised frivolously and/or maliciously for personal gain or where they are known to be untrue it may result in disciplinary action or, in the case of agency staff, the termination of the agency contract.

11. Variation

11.1. The Commission reserves the right to vary this policy as it deems appropriate to include compliance with any legal requirements.