

Anti - Bribery Policy

1. Introduction

- 1.1. This policy has been approved by the Electoral Commission (“the Commission”).
- 1.2. The Bribery Act 2010 (the Act) received Royal Assent on 8 April 2010. It is not yet in force and is expected to come into force in late 2011. This policy therefore outlines the anticipated impact of the Act and will be reviewed and updated when the Act comes into force and the relevant Guidance is in place.

2. Purpose

- 2.1 The purpose of this policy is to:
 - :
 - Set out your responsibilities (as an individual and/or a manager) with regard to the prevention and detection of bribery by or to persons associated with the Commission;
 - Outline the procedures for reporting any allegations of bribery.
- 2.2 The policy will apply to any bribery or suspected bribery, involving employees in their work for the Commission, and in their dealings with stakeholders, consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with the Commission.

3. What is Bribery?

- 3.1 The Act sets out offences that include:
 - Bribing another person
 - Being bribed
- 3.2 Bribery will occur in circumstances involving:
 - The offering, giving, solicitation or the acceptance of any inducement or reward (whether financial or otherwise);
 - To or from a person or company, wherever they are situated and whether they are a public official or body or private person or company;
 - By any individual employee, Board Member or Commissioner, acting on the Commission’s behalf;

- Which is intended to amount to or bring about improper performance of a relevant function or activity of the person or company;
- 3.3 A relevant function will be:
- any function of a public nature;
 - any activity connected with a business (including a trade or profession);
 - any activity performed in the course of a person's employment; or
 - any activity performed by or on behalf of a body of persons (whether corporate or unincorporate).
- 3.4 Improper performance will occur where there has been a breach of a relevant expectation – i.e. the expectation that the function or activity will be performed in good faith, impartially and in a certain manner by the person who is in a position of trust.
- 3.5 The Commission could therefore be affected by the bribing of others by its employees, or through its own officials being bribed by others.

4. Managers' Responsibilities

- 4.1 Each member of the Executive and Management Teams, as well as Team Managers should be familiar with the types of improprieties that might occur within their area of responsibility, and be alert for any indication of irregularity.
- 4.2 Managers should also be alert for bribery across the Commission. Managers should be aware of the risk, and take collective responsibility for each other's actions. This requires knowledge of the business as a whole, as well as specialist knowledge of their area of responsibility.
- 4.3 Management at all levels within the Commission is responsible for the prevention and detection of bribery. In particular, they are responsible for assessing potential risks and carrying out due diligence checks.

5. Staff Responsibilities

- 5.1 Every member of staff is responsible for:
- Conducting themselves in accordance with the Commission's Code of Conduct and any other policies specifying staff behavior;
 - Reporting details immediately through the appropriate channel if they suspect that bribery has been committed or see any suspicious acts or events; and
 - Cooperating fully with whoever is conducting internal checks or reviews or bribery

6. Reporting Bribery

- 6.1 If you discover or suspect bribery you should, in the first instance, report your suspicions to your line manager. If such action would be inappropriate, your concerns should be reported to one of the following persons:
- Legal Counsel; or
 - Internal Auditor.
- 6.2 Alternatively, you may remain anonymous by using the 'whistle blowing' hotline staffed by Internal Audit (Tel 07710 410 699) or contact the National Audit Office by telephoning their whistle blowing number (Tel 020 7798 7999).

7. Related Policy

- 7.1 The Commission has a range of policies and procedures that deal with behavior at work including:
- Whistleblowing Policy;
 - Code of Conduct;
 - Grievance Policy;
 - Disciplinary Policy;
 - Anti-Fraud and Money Laundering Policy.
- 7.2 This policy should be read in conjunction with the above policies and the relevant procedure followed where it is appropriate. If you are unsure which procedure may be appropriate HR will be able to advise.

8. Additional Contacts

- 8.1 If you would like further advice, please contact:

The Electoral Commission's Internal Auditor
[RSM Tenon Limited
66 Chiltern Street,
London
W1U 4GB]

- or -

The Electoral Commission's Legal Counsel
Bob Posner
Tel: 020 7271 0546
Email: bposner@electoralcommission.org.uk

9. Administration

- 9.1 The Chief Executive has overall responsibility for the administration, revision, interpretation, and application of this policy. The policy will be reviewed following the coming into force of the Act, which it is anticipated will be later in 2011. The policy will then be reviewed every two years and revised as required.

10. Approval

P. Wardle

(CEO/Accounting Officer)

March 2011
Date

Drafted by: The Electoral Commission's Legal Team.

Distribution list: Executive Team, Management Team, Legal Team, all EC staff, RSM Auditors.