



Anti Bribery Policy

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Contents

1. Purpose of the Policy	3
2. Definitions and Relevant Legislation	3
3. Penalties	4
4. Council Policy on Bribery	4
5. What to do if Bribery is Suspected	5
6. Policy Review	6

1. Purpose of the Policy

- 1.1 Dover District Council (the Council) is committed to maintaining the highest standards of integrity, honesty and accountability in all of its activities. The purpose of this policy is to provide clear guidance, to all Members, officers, contractors and other representatives, on the Council's zero tolerance approach to bribery, their responsibilities in preventing and identifying bribery, the arrangements for reporting concerns and the potential sanctions.
- 1.2 A breach of this policy may result in disciplinary action up to and including dismissal. Serious bribery, attempted bribery, concealment of bribery, deliberate failure to report serious concerns, interference with an investigation, or retaliation against a person who has raised a concern may be treated as gross misconduct, depending on the circumstances.
- 1.3 Concerns involving elected Members will be considered in accordance with the Members' Code of Conduct and Monitoring Officer arrangements. Concerns involving contractors, consultants, suppliers, agency workers, volunteers or other non-employees may be addressed through contractual remedies, procurement action, termination of engagement, referral to law enforcement or regulators, or any other appropriate action.
- 1.4 The Council recognises that public confidence is fundamental to effective local government. Any form of bribery, corruption or improper influence undermines public trust, compromises decision-making and may expose the Council and individuals to significant legal, financial and reputational risks.
- 1.5 This policy supports the Council's wider governance framework, including its Codes of Conduct, Whistleblowing Policy, Financial Procedure Rules, Contract Procedure Rules and Gifts and Hospitality arrangements.
- 1.6 This policy does not form part of any contract of employment or contract for services and may be amended by the Council from time to time. However, all employees, workers, officers, Members, contractors, agency workers, consultants, volunteers and others acting for or on behalf of the Council are required to comply with it.

2. Definitions and Relevant Legislation

- 2.1 Bribery is the offering, promising, giving, requesting, agreeing to receive or accepting of a financial or other advantage with the intention of inducing or rewarding the improper performance of a relevant function or activity. This may include direct cash inducements, gifts, hospitality, services or other benefits.
- 2.2 Corruption is the abuse of entrusted power, position or influence for personal gain or advantage, or for the benefit of another person or organisation.
- 2.3 Such advantages may be offered, requested or accepted in exchange for the awarding of contracts, favourable decision-making, implementation of policies in a favourable

manner, the expediting of administrative processes, or the provision of, or access to, confidential or commercially sensitive information.

2.4 There are four key offences under the Bribery Act 2010 (the Bribery Act). They are:

- Bribery of another person
- Requesting, agreeing to receive or accepting a bribe
- Bribery of a foreign official
- Failing to prevent bribery.

2.5 The Bribery Act makes it an offence to offer, promise or give a bribe, to request, agree to receive, or accept a bribe or to bribe a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business.

2.6 Under the Procurement Act 2023, a supplier may be subject to mandatory exclusion from public procurement where it, or a connected person, has been convicted of certain bribery and corruption offences, including offences under the Bribery Act. Such convictions may also result in the supplier being added to the Government's Debarment List (following an investigation and a ministerial decision).

3. Penalties

3.1 On summary conviction, an individual may be liable to imprisonment and/or an unlimited fine. On conviction on indictment, an individual may be liable to imprisonment for up to 10 years, an unlimited fine, or both.

3.2 Where an organisation is convicted of an offence under the Bribery Act 2010, including the section 7 offence of failing to prevent bribery, it may be liable to an unlimited fine.

4. Council Policy on Bribery

4.1 Dover District Council operates a zero-tolerance approach to bribery and corruption. The Council is committed to conducting its business fairly, transparently and in the public interest.

4.2 Members, co-opted Members, officers, contractors, agency workers, consultants, volunteers and anyone acting on behalf of the Council must not:

- Offer, promise, give, request or accept a bribe;
- Seek to influence, or be influenced in, the exercise of Council functions through improper means;
- Misuse their position for personal gain or the benefit of others;
- Offer or accept gifts, hospitality or other benefits that could reasonably be perceived as influencing the discharge of their duties.

4.3 Particular care should be exercised in circumstances where individuals are involved in:

- Procurement and commissioning activities;
- Tender evaluation and contract awards;
- Planning, licensing or regulatory decisions;
- Recruitment and appointment processes;

- Grant funding decisions;
 - Management of Council assets and property transactions;
 - Access to confidential, commercially sensitive or personal information.
- 4.4 The Council will provide appropriate awareness, induction, refresher training or targeted guidance to those whose roles carry a higher bribery or corruption risk. This may include roles involving procurement, commissioning, contract management, planning, licensing, regulatory decisions, finance, recruitment, grants, property transactions, access to confidential information or dealings with suppliers and external partners.
- 4.5 All decisions made on behalf of the Council must be capable of withstanding public scrutiny and be made solely in the public interest and in accordance with the Council's policies and legal obligations.
- 4.6 Any gifts, hospitality or other benefits must be declared and recorded in accordance with the Council's Gifts and Hospitality Policy and procedures.

5. What to do if Bribery is Suspected

- 5.1 Everyone who works for, or on behalf of, the Council has a responsibility to remain vigilant and report any concerns regarding actual, suspected or attempted bribery.
- 5.2 Concerns should be reported as soon as possible through the Council's Whistleblowing Policy or directly to:
- The Chief Executive;
 - Any Director;
 - The Monitoring Officer;
 - The Section 151 Officer;
 - East Kent Audit Partnership; or
 - A line manager, where appropriate.
- 5.3 Reports and investigations will be handled confidentially so far as reasonably practicable. Information will be shared only where necessary for the purposes of investigation, legal compliance, safeguarding public funds, disciplinary action, contractual action, referral to law enforcement or regulators, or other legitimate Council purposes. Personal data will be processed in accordance with data protection legislation and the Council's data protection policies.
- 5.4 Reports will be treated seriously and investigated in accordance with the Council's Protocol for Dealing with Allegations of Fraud or Corruption.
- 5.5 Where a concern involves an employee, officer or worker of the Council, the matter may be considered under the Council's disciplinary procedure. Any disciplinary action will be managed in accordance with the Council's procedures, the ACAS Code of Practice on Disciplinary and Grievance Procedures where applicable, and the Council's obligation to act reasonably, fairly and consistently. Suspension, if used, is not a disciplinary sanction and will only be used where reasonable and necessary.

- 5.6 No disciplinary conclusion will be reached until there has been a reasonable investigation. Where disciplinary action is being considered, the individual will be given sufficient information about the allegation, a reasonable opportunity to respond, and the matter will be considered by an appropriate decision-maker in accordance with the Council's disciplinary procedure.
- 5.7 The Council will not tolerate retaliation, victimisation, dismissal or any other detriment against a worker who raises a concern where they reasonably believe the disclosure is in the public interest and tends to show relevant wrongdoing. Concerns about bribery, corruption or improper influence may, depending on the circumstances, amount to protected disclosures under whistleblowing legislation, including Part IVA of the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998 and subsequent legislation
- 5.8 Employees who are the subject of an allegation will be treated fairly and consistently. They will be informed of the substance of the allegation, so far as is appropriate, given an opportunity to respond before any disciplinary decision is made and afforded the right to be accompanied at any formal disciplinary hearing in accordance with statutory rights and the Council's procedures.
- 5.9 No action will be taken against any individual who raises a concern or makes a disclosure where they reasonably believe that the information disclosed tends to show wrongdoing and that the disclosure is in the public interest¹. Protection will apply even where the concern is not subsequently substantiated following investigation. However, allegations that are knowingly false, deliberately misleading, or made maliciously may be dealt with under the relevant disciplinary, conduct, contractual or other applicable procedure.
- 5.10 Appropriate records will be kept of concerns raised, investigation decisions, evidence considered, action taken, reasons for outcomes, referrals made and any disciplinary, contractual, procurement or other remedial action. Records will be retained in accordance with the Council's retention schedule, data protection obligations and audit requirements.

6. Policy Review

- 6.1 This policy will be reviewed periodically, or sooner where there are significant legislative, organisational or procedural changes. Responsibility for maintaining the policy rests with the Section 151 Officer, in consultation with the Monitoring Officer and relevant senior officers.

¹ References to whistleblowing and protected disclosures within this policy shall be interpreted in accordance with the Council's Whistleblowing Policy and applicable whistleblowing legislation.