

**COMMITTEE:** Cabinet

**MEETING DATE:** 10 March 2026

**BY:** Depute Chief Executive – Resources & Economy

**REPORT TITLE:** Anti-Bribery Policy

**REPORT STATUS:** Public

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## **1 PURPOSE OF REPORT**

- 1.1 To inform Cabinet of the draft Anti-Bribery Policy as approved by the East Lothian Council Integrity Group and request that Cabinet approves the Anti-Bribery Policy for East Lothian Council.

## **2 RECOMMENDATIONS**

Members are recommended to:

- 2.1 Approve the attached Anti-Bribery Policy.

## **3 BACKGROUND**

- 3.1 East Lothian Council's Strategy for the Prevention and Detection of Fraud and Corruption was approved by the Audit & Governance Committee in September 2017 and required to be reviewed.
- 3.2 In order to improve the resilience of the Council to fraud, corruption, theft and crime East Lothian Council an officer Integrity Group was developed with the first meeting of this group being held in September 2025. This Group is chaired by the Head of Corporate Support.
- 3.3 Part of the remit of the Integrity Group is to develop and regularly review the policy and procedures of the Council in relation to the management and control of fraud, bribery and corruption across East Lothian Council. A full review of the policy requirements has been completed, and this is the second policy to be reviewed and recommended for approval.

- 3.4 The Anti-Bribery Policy sets out a framework to enable the Council's workers and those that the Council has dealings with to understand and implement arrangements to ensure compliance with the Bribery Act 2010 and the Economic Crime and Corporate Transparency Act 2023.
- 3.5 The policy sets out that the requirement for adequate procedures across the Council, what every worker's responsibilities are, the consequences of improper behaviour and the links to the Council code of conduct policy.
- 3.6 The Anti-Bribery Procedures further outline that all managers and workers have a requirement to ensure that procedures in place that prevent bribery are followed in full at all times to provide the due diligence for the processes and procedures that the Council has in place.

#### **4 POLICY IMPLICATIONS**

- 4.1 Sets the Anti-Bribery Policy and Procedures for East Lothian Council.

#### **5 RESOURCE AND OTHER IMPLICATIONS**

- 5.1 Finance: None
- 5.2 Human Resources: Refreshes the link with the Council Code of Conduct Policy
- 5.3 Other (e.g. Legal/IT): None
- 5.4 Risk: The Council wide fraud risk assessment is currently underway and will be reviewed by the Council Leadership Team in March, this links with the requirements this policy.

#### **6 INTEGRATED IMPACT ASSESSMENT**

- 6.1 ***Select the statement that is appropriate to your report by placing an 'X' in the relevant box.***

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

X
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**or**

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:



## 7 APPENDICES

- 7.1 Appendix 1: Anti-Bribery Policy for East Lothian Council
- 7.2 Appendix 2: Anti-Bribery Procedures for East Lothian Council

## 8 BACKGROUND PAPERS

- 8.1 None

## 9 AUTHOR AND APPROVAL DETAILS

### Report Author(s)

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<b>Tel/Email</b>	<a href="mailto:dstainbank@eastlothian.gov.uk">dstainbank@eastlothian.gov.uk</a>
<b>Date</b>	22 February 2026

### Head of Service Approval

<b>Name</b>	Hayley Barnett
<b>Designation</b>	Head of Corporate Support/Chair of the Integrity Group
<b>Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed</b>	Confirmed
<b>Approval Date</b>	23 February 2026



# Anti-Bribery Policy

# Anti-Bribery Policy

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## **1. Introduction**

- 1.1 The Bribery Act 2010 makes it an offence for a UK national or person located in the UK to pay or receive a bribe, either directly or indirectly. East Lothian Council is fully committed to the prevention, deterrence and detection of bribery and upholding all relevant laws, including the Economic Crime and Corporate Transparency Act (ECCTA) 2023.
  - 1.2 Bribery is a criminal offence and is unacceptable in any form and will lead to disciplinary action against employees where allegations are substantiated and could lead to a 'Corporate Offence' charge against the Council similar to the ECCTA 2023. The Council operates a zero-tolerance approach to bribery.
  - 1.3 This Policy sets out a framework to enable the Council's workers and those that the Council has dealings with to understand and implement arrangements to ensure compliance with the Bribery Act 2010 and the ECCTA 2023.
  - 1.4 This Policy should be read in conjunction with the Council's Counter Fraud and Corruption Policy and Strategy, Anti-Money Laundering Policy, Code of Conduct Policy, and the Whistleblowing Policy.
  - 1.5 This Policy and the associated Procedure provides information and guidance for Council workers on how to prevent, recognise and deal with bribery.
  - 1.6 The Integrity Group will regularly review this policy in accordance with legislation changes and best practice.
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## **2. Scope of Policy**

- 2.1 This policy applies to all Council activities. For partners, joint ventures and suppliers we will seek to promote adoption of policies consistent with the principles set out in this policy.
  - 2.2 This policy applies to all Council workers, including those permanently employed, fixed term, on secondment from another organisation, casual and agency staff. It also applies to contractors, agents, volunteers and consultants with which the Council has dealings.
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### 3. Council's Commitment

#### 3.1 East Lothian Council commits to:

- setting out a clear anti-bribery policy and keeping this up to date;
  - making all workers and others within the scope of paragraph 2 aware of their responsibilities to strictly adhere to this policy at all times;
  - provide a channel for all workers to report suspected breaches of this policy; and
  - include, where appropriate, clauses in contracts to prevent bribery.
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### 4. Definition – What is Bribery?

4.1 Bribery is an inducement, or a reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

4.2 Offences under The Bribery Act 2010 are:

#### Individual offences

- Section 1 - bribery of another person, offering an advantage (financial or otherwise) to another person in return for beneficial treatment.
- Section 2 - accepting a bribe, receiving or requesting an advantage (financial or otherwise) from another person in return for beneficial treatment.
- Section 6 - bribing a foreign official.

#### Corporate offence

- Section 7 - allowing an associated person to bribe another person (ie failure by an organisation to prevent bribery). An associated person can be an employee or a contractor providing a service on behalf of the Council.

4.3 The maximum penalty for individuals under the Act is 10 years imprisonment and /or unlimited fines. Failure by an organisation to prevent bribery carries an unlimited fine.

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## 5. Preventing Bribery – Adequate Procedures

- 5.1 An organisation will have a statutory defence against prosecution under section 7 bribery offences if it puts into place ‘adequate procedures’ designed to prevent bribery. Ultimately it will be for a court to decide whether these procedures are adequate.
- 5.2 East Lothian Council’s procedures to prevent bribery will be provided to and should be applied by all services. attached at Appendix 1.
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## 6. Workers’ Responsibilities

- 6.1 Workers must ensure they read, understand and comply with this policy.
- 6.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all Council workers.
- 6.3 Workers should raise any concerns as soon as possible if they believe or suspect that a breach of this policy has occurred or may occur in the future. These concerns should be raised in line with the Council’s Whistleblowing Policy.
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## 7. Consequences of Improper Behaviour

- 7.1 All allegations relating to bribery or corrupt practices will be investigated by the Council.
- 7.2 In all circumstances where it is considered that a criminal offence may have been committed, the Council will notify Police Scotland.
- 7.3 The Council will seek, wherever possible, to recover any losses suffered as a result of an act of bribery or corruption.
- 7.4 As well as the possibility of civil and criminal prosecution, employees that breach this policy will face action in line with the Council’s Disciplinary Procedures which could result in dismissal for gross misconduct.
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## **8. Gifts and Hospitality**

- 8.1 This policy does not change the requirements relating to the Code of Conduct Policy.
  - 8.2 Gifts, offers of hospitality or favours from or to a third party, a contractor, client or partner organisation of the Council are capable of being perceived as constituting a bribe.
  - 8.3 Workers and their family members should never accept or offer a gift, hospitality, favour or any other form of inducement which may influence or be perceived as influencing actions or decisions related to their job.
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## **9. Review**

- 9.1 This policy and associated procedures will be reviewed annually to reflect organisational changes, best practice, operational experience and legislative updates in order to maintain its effectiveness and compliance with the Bribery Act 2010.

<b>Name of Document</b>	Anti-Bribery Policy
<b>Author</b>	Duncan Stainbank
<b>Policy Ownership</b>	Service Manager – Internal Audit
<b>Unit Responsible</b>	Internal Audit & Counter Fraud
<b>Approved by and date</b>	
<b>Assigned Review Period</b>	Annually
<b>Date of Next Review</b>	
<b>Policy Lead</b>	Head of Corporate Support

	<b>Version date</b>	<b>Authorised Officer</b>	<b>Amendment Details</b>
<b>V1</b>	<b>01/12/25</b>	<b>Duncan Stainbank</b>	<b>First version for review by Integrity Group</b>
<b>V2</b>	<b>20/02/25</b>	<b>Duncan Stainbank</b>	<b>Version for Approval by Cabinet</b>

## **Appendix 2: ANTI-BRIBERY PROCEDURE**

### **Contents**

1. Introduction
2. The Bribery Act 2010
3. Top level commitment and responsibility for bribery prevention measures
4. Carry out a risk assessment
5. Put in place proportionate bribery prevention measures
6. Review due diligence measures
7. Communication and training
8. Monitoring and review

## **1 Introduction**

This procedure is intended to provide guidance for assessing and mitigating the risk of Bribery and should be read in conjunction with the Council's Anti Bribery Policy and Anti Fraud and Corruption Policy and Strategy.

## **2 The Bribery Act 2010**

- 2.1 The Bribery Act 2010 came into force on 1 July 2011 and under the Act the Council must ensure that there are adequate procedures in place to prevent bribery by employees, or of persons associated with the Council. This includes anyone who performs services for or on behalf of the Council including permanent employees, temporary employees, agency staff, contractors and third sector partners.
- 2.2 Failure to comply with the requirements of the Act could result in imprisonment and / or unlimited fines.
- 2.3 Guidance on the content of Bribery procedures has been produced and this includes the need for procedures based on the following six principles:
- Top Level Commitment
  - Risk Assessment
  - Proportionate Procedures
  - Due Diligence
  - Communications
  - Monitoring and Review
- 2.4 These six principles have been used to develop these procedures but are not prescriptive and are intended to be flexible with outcomes focussed on allowing for the different circumstances of each Service area.

## **3 Top level commitment and responsibility for bribery prevention measures**

- 3.1 The Integrity Group has overall corporate responsibility for these policies and procedures and ensuring that the Council complies with the Bribery Act 2010.

#### **4 Carry out a Risk Assessment**

- 4.1 As part of the annual Council Fraud Risk Assessment Service management will carry out a risk assessment on the Service area's vulnerabilities to bribery. This should highlight areas where effort needs to be focussed and ensure that procedures are proportionate to the risks faced by the Council.

#### **5 Put in place proportionate bribery prevention measures**

- 5.1 Having identified any relevant areas of risk, Services must put in place adequate measures and controls that address the potential areas for bribery. These need to be applied proportionately based on the level of risk identified through the risk assessment.
- 5.2 These measures should be reviewed on a regular basis to ensure they are effective, especially if new practices or business arrangements are put in place, which may impact on the Council's ability to continue to comply with the Bribery Act 2010 and any relevant guidelines.

#### **6 Due Diligence Measures**

- 6.1 Due diligence involves assessing a proposed or existing business relationship or transaction, and ensuring any risk of bribery is mitigated by putting in place appropriate procedures and checks where the risk assessment has highlighted the risk of bribery.
- 6.2 These procedures should include checking that the businesses or people with whom we work with are trustworthy, solvent and have a good reputation for doing business (through for example, enquiries with business contacts, review of the intranet, review of CVs of agents, financial statements, references etc).
- 6.3 Where procedures or checks are already in place to do this (e.g. procurement processes) Council workers must ensure that all steps outlined in the process are followed correctly and completed fully.
- 6.4 All Managers should ensure that these procedures are carried out and fully document these due diligence checks to satisfy themselves that any risk is mitigated and to provide an audit trail of the work undertaken to achieve this.

## **7 Communication and Training**

- 7.1 Managers should ensure that the Council's position on bribery is clearly communicated to all Council workers. In addition, the policy and procedure will be drawn to the attention of all tenderers for Council contracts.
- 7.2 The Integrity Group is responsible for communicating the policy and procedures on anti-bribery to all Council workers, partner organisations and third parties.
- 7.3 The policy and procedure will be published on the Council's website.

## **8 Monitoring & Review**

- 8.1 Incidents of Bribery should be reported through the Council Whistleblowing reporting processes. Quarterly reporting of reported incidents will be completed to the Council's Integrity Group.
- 8.2 The Integrity Group will review this procedure on an annual basis and propose any further changes required to the Council Leadership Team and Cabinet.

