



**PUBLIC PROSECUTION SERVICE  
FOR NORTHERN IRELAND**

**ANTI-BRIBERY AND  
CORRUPTION POLICY**

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**If you require a copy of this document in an alternative format, please contact:**

**Public Prosecution Service**

**Linum Chambers**

**2 Bedford Square**

**Bedford Street**

**Belfast BT2 7ES**

**Tel: 02890 897100**

**Deaf/Hard of hearing (SMS): 07795 675528**

**E-mail: [info@ppsni.gsi.gov.uk](mailto:info@ppsni.gsi.gov.uk)**

**Website: [www.ppsni.gov.uk](http://www.ppsni.gov.uk)**

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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 receiving of an inducement for an action which is illegal, unethical or in breach of trust. Inducements can take the form of gifts, fees, rewards or other advantages.
- 2.2 Corruption can be defined as the misuse of entrusted power for personal gain.

### 3. The Bribery Act 2010

3.1 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.

3.2 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*).

3.3 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*).

3.4 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;
- 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**

6.1 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>

## **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 take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

### **Leadership**

Holders of public office should promote and support these principles by leadership and example