



CVS Rochdale **Policy Briefing**

The Bribery Act 2010

The Bribery Act 2010 modernises the law on bribery. It came into force on 1st July 2011. An organisation will commit a criminal offence, if it fails to prevent bribery that is intended to get or keep business or an advantage in the conduct of business for the organisation.

Organisations need to take steps to address the risks of bribery; they will need to demonstrate they have put clear, practical bribery prevention policies and procedures in place.

There are two general offences: the first covers the offering, promising or giving of a bribe – active bribery; and the second is passive bribery – requesting, agreeing to receive, or the accepting of a bribe.

The Act will:

- Introduce a corporate offence of failure to prevent bribery by anyone on behalf of a business. Business can only avoid conviction if they can show that they have adequate procedures in place to prevent bribery.
- Make it a criminal offence to give, promise or offer a bribe, agree to receive or accept a bribe either at home or abroad.
- Increase the maximum penalty for bribery from seven to 10 years imprisonment, with an unlimited fine.

The Ministry of Justice sets out the **six principles of the Act** although these are not prescriptive but are intended to allow flexibility. They are outcome focused and can take into account the variety of circumstances and the size of the organisations:

1. Proportionality – the action taken should be proportionate to the risk and the size of the organisation.
2. Top Level Commitment – those in senior positions are best placed to ensure the organisation conducts business without bribery.
3. Risk Assessment – many organisations will have little or no risk of bribery but a risk assessment will show the nature or extent of exposure to bribery.
4. Due Diligence – this is about having a risk based approach to business relationships with those you deal with or who provide services to you.
5. Communication – employers will need to communicate their policies and procedures to staff and others who perform services for you.
6. Monitoring and Review – risks to your organisation may change, over time you may want to carry out regular reviews and re-assessments.
7. The Act does not cover genuine promotional and other expenditure such as tickets for sporting events, promotional gifts or taking clients to dinner.

Employers should consider reviewing the adequacy of their policies and procedures to ensure they take account of the provisions of the Act. Whistle blowing policies should be reviewed to ensure they include provisions which confirm that employees who report suspected bribery can do so without any threat to their safety or job security.

Further information can be found at:

www.justice.gov.uk

www.bis.gov.uk

www.businesslink.gov.uk