The Upper Medway Internal Drainage Board

Anti-Bribery Policy

INTRODUCTION

The Bribery Act 2010 came into force on 1 July 2011. It prohibits offering, promising or giving a bribe and requesting, agreeing to receive or accepting a bribe, directly or through a third party. A bribe may be a financial or other advantage intended to induce or reward improper performance, or an advantage whose acceptance itself amounts to improper performance. Public functions are covered, whether or not a personal benefit or reputational damage results. The Act also creates a separate offence of bribing a foreign public official.

This Policy supplements the Board's Fraud and Corruption Policy and must be read alongside its Gifts and Hospitality Policy, applicable codes of conduct, Standing Orders and Financial Regulations. It applies to all staff, elected and appointed Board members, and agents, consultants, contractors and others providing services for or on behalf of the Board, in relation to Board business in the UK or overseas. Relevant requirements must be communicated to third parties and incorporated into contracts where appropriate.

POLICY

The Board:

- Takes a zero-tolerance approach to bribery. **Offering or accepting a bribe is not acceptable in any circumstances.**
- Is committed to acting professionally, fairly, ethically and with integrity in all business dealings and relationships.
- Is committed to implementing and enforcing effective systems to counter bribery.

The Board Prohibits:

The Board prohibits offering, promising, giving, requesting, agreeing to receive or accepting any bribe, directly or indirectly, for the benefit of the Board, an individual or any other person. This includes improper influence over procurement, contract awards and payments, drainage consents, enforcement, grants and dealings with landowners or developers. Facilitation payments (unofficial payments to secure or speed up routine action) and kickbacks are prohibited. Donations or sponsorship must not be used to conceal a bribe.

Suspected breaches will be investigated fairly and without prejudging the outcome. Employee bribery may constitute gross misconduct and may lead to dismissal following a fair disciplinary procedure, including an opportunity to respond, the applicable right to be accompanied and a right of appeal. Member breaches will be dealt with under the applicable code of conduct and lawful governance procedures; this Policy does not create a power to dismiss or remove a Board member. Contractor breaches may lead to contractual remedies, including termination where legally permitted. Suspected criminal conduct will be referred to the police or other appropriate enforcement authority.

The Board retains overall responsibility for oversight. The Clerk is responsible for implementing this Policy, with oversight by the Board Chairman. Anyone with an actual or potential conflict must not control the approval, investigation or decision concerned.

PREVENTION AND RECORDS

The Clerk must maintain a documented, proportionate bribery-risk assessment, reviewed at least annually and when activities or risks change. It must address procurement and maintenance works, consents and enforcement, grants, payments and relationships with contractors, landowners and developers. Controls must include risk-based checks on those acting for the Board, clear approval limits, separation of ordering, authorising and payment duties where practicable, and documented independent checks where staffing limits separation. Staff and members must receive this Policy at induction and proportionate refresher training; contractors must be made aware of the standards relevant to their work.

All transactions must be accurately recorded and supported by an auditable business purpose; undisclosed payments, false invoices and concealed arrangements are prohibited. Actual or potential conflicts of interest must be declared promptly and managed under the applicable codes and Standing Orders, including withdrawal from decisions where required. Records of risks, checks, approvals, training and concerns must be retained securely under the Board's records-retention arrangements and applicable data-protection law.

Section 7 of the Bribery Act creates an offence of failure by a relevant commercial organisation to prevent associated persons bribing to obtain or retain business or a business advantage. Whether it applies to the Board depends on its statutory form and activities; public-body status alone does not decide this. The Clerk must obtain legal advice if activities raise this issue. Irrespective of section 7 applicability, the Board adopts proportionate prevention measures informed by the Ministry of Justice principles: proportionate procedures, top-level commitment, risk assessment, due diligence, communication and training, and monitoring and review.

GIFTS AND HOSPITALITY

Genuine, reasonable and proportionate hospitality is not automatically bribery, but no gift or hospitality may be offered or accepted to influence a decision improperly or reward improper conduct. Cash and cash-equivalent gifts must not be offered or accepted. Offers connected with a live tender, consent, enforcement or grant decision must be declined where they could compromise, or reasonably appear to compromise, impartiality. Follow the Board's Gifts and Hospitality Policy for declarations, approval and registration; record suspected inducements, including those declined, and report them promptly. No financial threshold makes a bribe acceptable. If in doubt, do not proceed and seek advice from the Clerk, or the Chairman where the Clerk is involved; no one may approve their own gift or hospitality.

REPORTING AND RESPONSE

Anyone covered by this Policy must promptly report suspected bribery, attempted inducements or requests for improper payments to the Clerk, or directly to the Chairman if the Clerk is implicated. If the Chairman is implicated, report to the Clerk. If both are implicated, or internal reporting is inappropriate, concerns may be raised directly with the police or, for serious or complex bribery, the Serious Fraud Office. Nothing in this Policy requires internal reporting before a lawful external disclosure or prevents seeking independent legal advice or making a protected disclosure to an appropriate prescribed person.

Keep relevant records and evidence; do not conduct your own investigation or alert a suspected wrongdoer. Reports will be assessed promptly and handled impartially by someone without a conflict, with independent assistance where necessary. The responsible unconflicted officer or member must arrange appropriate safeguarding of funds and evidence and referral of suspected offences. Confidentiality will be protected as far as practicable, but anonymity cannot be guaranteed where disclosure is legally required or necessary for a fair investigation. Anonymous reports will be considered so far as the available information permits.

The Board prohibits retaliation against anyone who raises a genuine concern on reasonable grounds or refuses to participate in bribery, even where the concern is not substantiated. Workers making a protected disclosure have statutory protection under the Employment Rights Act 1996, as amended by the Public Interest Disclosure Act 1998;

protection depends on the legal conditions being met. This Policy's non-retaliation commitment also covers members and others who may not qualify for statutory worker protection.

MONITORING AND REVIEW

The Clerk must monitor implementation, maintain appropriate registers and report significant concerns and control weaknesses to the unconflicted Board members, subject to confidentiality and investigation requirements. The Board must review this Policy and the effectiveness of its prevention arrangements annually, and sooner following a significant incident or relevant legal change. Approval of this Policy does not by itself demonstrate that effective procedures are operating.

June 2024 Alterations

- None

November 2025 Alterations

- Added reference to whom this policy applies
- Added consequence for breach
- Added responsibility for managing this policy

November 2026 Alterations

- Expanded prohibited conduct and policy scope to cover the Bribery Act offences and all persons acting for the Board.
- Added drainage-board-specific risk assessment, due diligence, financial controls, conflicts, training and record-keeping requirements; clarified section 7 applicability.
- Added safeguards for gifts and hospitality, facilitation payments and kickbacks.
- Added reporting routes, impartial investigation and non-retaliation safeguards, including protected disclosures.
- Replaced blanket gross-misconduct wording with fair procedures and separate consequences for employees, members and contractors.
- Clarified oversight responsibilities and added annual policy and control-effectiveness reviews.