



# Item No: 16

Meeting Date: Wednesday 24<sup>th</sup> January 2018

## Glasgow City Integration Joint Board

**Report By:** Allison Eccles, Head of Business Development / Standards Officer

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### BRIBERY ACT 2010

**Purpose of Report:**

To advise the Integration Joint Board of its responsibilities in respect of the Bribery Act 2010 in line with the Code of Conduct for members of the Board.

**Background/Engagement:**

The Code of Conduct for members of the Integration Joint Board has been approved by the Board.

The Code of Conduct states that, as members of a devolved public body, IJB members should familiarize themselves with the terms of the Bribery Act 2010.

The Bribery Act 2010 came into force on 1 July 2011. It provides the legal framework to combat bribery in the public and private sectors.

**Recommendations:**

The Integration Joint Board is asked to:

- a) note the content of this report, and;
- b) note the content of the Code of Conduct and the 2010 Bribery Act and their responsibilities therein.

**Relevance to Integration Joint Board Strategic Plan:**

Failure to comply with the Code of Conduct and the Bribery Act 2010 may compromise the ability to deliver the Strategic Plan.

**Implications for Health and Social Care Partnership:**

<b>Reference to National Health &amp; Wellbeing Outcome:</b>	N/A	
<b>Personnel:</b>	N/A	
<b>Carers:</b>	N/A	
<b>Provider Organisations:</b>	N/A	
<b>Equalities:</b>	N/A	
<b>Financial:</b>	N/A	
<b>Legal:</b>	N/A	
<b>Economic Impact:</b>	N/A	
<b>Sustainability:</b>	N/A	
<b>Sustainable Procurement and Article 19:</b>	N/A	
<b>Risk Implications:</b>	There is a risk that if board members do not comply with the terms of the Code of Conduct and the Bribery Act 2010 that there will be a financial and reputational impact on the IJB and HSCP.	
<b>Implications for Glasgow City Council:</b>	None. Glasgow City Council has existing policies and procedures in respect of the Bribery Act 2010.	
<b>Implications for NHS Greater Glasgow &amp; Clyde:</b>	None. NHS Greater Glasgow & Clyde has existing policies and procedures in respect of the Bribery Act 2010.	
<b>Direction Required to Council, Health Board or Both</b>	Direction to:	
	1. No Direction Required	✓
	2. Glasgow City Council	
	3. NHS Greater Glasgow & Clyde	
	4. Glasgow City Council and NHS Greater Glasgow & Clyde	

## **1. Purpose**

- 1.1. The purpose of this report is to advise the Integration Joint Board of its responsibilities in respect of the Bribery Act 2010 in line with the Code of Conduct for members of the Board.

## **2. Background**

- 2.1. The Code of Conduct for members of the Integration Joint Board was initially approved by the IJB at its meeting on 8 February 2016, with a revised Code of Conduct approved at its meeting on 9 December 2016.
- 2.2. Section 3.10 of the Code of Conduct states that, as members of a devolved public body, members should familiarize themselves with the terms of the Bribery Act 2010.
- 2.3. The Bribery Act 2010 came into force on 1 July 2011. It provides a more effective legal framework to combat bribery in the public and private sectors than the previous law.

## **3. The Bribery Act 2010**

- 3.1. The Bribery Act 2010 (the Act) is the central pillar of the legal framework to combat bribery in the public and private sectors. It recognizes that bribery and corruption are contrary to the legitimate expectations of the public that:
  - Employees and representatives of public services will be maintain the highest standard of conduct in performing their role, and;
  - Public services will be developed, delivered and can be accessed in a fair and equitable way.
- 3.2. Bribery is a criminal offence. Individuals who are convicted face up to 10 years imprisonment and an unlimited fines. Organisations who fail to prevent bribery also face unlimited fines.
- 3.3. The Act creates four criminal offences:
  - Offering or giving a bribe
  - Requesting or accepting a bribe
  - Bribing a foreign public official
  - Failure by an organization to prevent bribery
- 3.4. Bribery involves the improper performance of a duty/function in return for an advantage. An advantage includes traditional cash bribes as well as non-case bribes (for example, holidays, offers of employment, extravagant hospitality).

- 3.5. The Act is widely drafted and an offence would be committed if a process or outcome is manipulated to favour a person in the expectation that they will offer a bribe, or a bribe is offered in the knowledge that acceptance of it would be improper even if a further manipulation of process or outcome does not occur.
- 3.6. Gifts and hospitality can also be employed as bribes, and therefore the Code of Conduct details the required conduct of IJB members in relation to these.

#### **4. Further information**

- 4.1. Further information about the 2010 Bribery Act can be found at <https://www.justice.gov.uk/downloads/legislation/bribery-act-2010-guidance.pdf>
- 4.2. The Code of Conduct for IJB members can be found at [https://glasgowcity.hscp.scot/sites/default/files/publications/Glasgow\\_City\\_IJB\\_Code\\_of\\_Conduct.pdf](https://glasgowcity.hscp.scot/sites/default/files/publications/Glasgow_City_IJB_Code_of_Conduct.pdf)
- 4.3. Board members should contact the Standards Officer for the Integration Joint Board if they have any queries about their responsibilities in relation to either the 2010 Bribery Act or the Code of Conduct.

#### **5. Recommendations**

- 5.1. The Integration Joint Board is asked to:
  - a) note the content of this report, and;
  - b) note the content of the Code of Conduct and the 2010 Bribery Act and their responsibilities therein.