

Anti-Corruption Policy

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Anti-Corruption Policy

Corruption

Corruption is defined as dishonest conduct by those in power. It can include bribery which is defined as offering or paying of illegal inducements, usually in exchange for an unfair and illegitimate advantage. In common with many other governments, the States of Jersey face increasingly complex risks and threats from corruption. Instances of corruption potentially create losses to the taxpayer, reputational risk to the States of Jersey and also undermine public trust.

Globally, corruption affects all elements of society and can affect and undermine political development, democracy, economic development, the environment, people's health and more.

Policy Objective

The States of Jersey takes a zero-tolerance approach to corruption and is committed to the highest standards of ethical conduct and integrity in its business activities. These principles are established in the Code of Conduct for Elected Members (Schedule 3 Standing Orders); the Codes of Conduct for staff and Ministers and Assistant Ministers, and, the States of Jersey Counter-Fraud and Corruption Strategy. They are applied within the States of Jersey Government, its subsidiaries, associated entities and public bodies as described in the Corruption (Jersey) Law 2006.

The States of Jersey expects all elected members; employees, contractors, suppliers and third parties to fully comply with this Policy, which extends to all business dealings and transactions in all countries in which the Government or its subsidiaries and associates operate.

The Policy is accompanied by the States of Jersey Counter-Fraud and Corruption Strategy and Anti-Corruption Procedures that set out in more detail the processes and procedures to be followed to ensure compliance with this Policy.

Implementation and Monitoring

The Risk and Audit Department is responsible for the day to day oversight of the Anti-Corruption Policy. The Director Risk and Audit is the Senior Officer Responsible for this policy who will monitor and report to the States Assembly, Council of Ministers, Executive Leadership Team, the Public Accounts Committee and the Risk and Audit Committee regarding compliance with this policy.

Jersey (Corruption) Law 2006

Jersey introduced its own anti-corruption law in 2006. The Jersey (Corruption) Law 2006 abolished the customary law offence of bribery and introduced a number of offences relating to corruption involving:

- Public bodies soliciting, agreeing to receive or receiving rewards for own benefit or benefit of others;
- Public bodies giving, offering or promising any advantage or inducement for reward in regard of any transaction the public body is proposed or engaged in.
- Agents corruptly accepting, obtaining, agreeing to accept or attempting to obtain, from any person any advantage as an inducement for reward.
- Public officials undertaking any act in relation to the official's position, office or employment, for the purpose of corruptly obtaining any advantage, whether for his or her own benefit or for the benefit of any other person.

The law also confirms that:

- A person who is a director, manager, secretary or other similar officer of a body corporate or purports to be such a person will be guilty of an offence and liable in the same manner as the body corporate or the partnership
- A person that aids, abets, procures or counsels an offence under this law is also liable in the same way as the principal offender.

Corruption is a criminal offence and there are serious consequences for individuals and companies found to be non-compliant with the Act.

Key Anti-Corruption Principles

The States of Jersey does not tolerate, permit, or engage in bribery, corruption, or improper payments of any kind in our business dealings, anywhere in the world, both with public officials and people in the private sector. Ethical behaviour is in the long-term interests of our Island's reputation.

The States of Jersey is committed to the following key Anti-Corruption principles:

- We will carry out business fairly, honestly and openly.
- We do not allow employees to accept money, gifts, hospitality and other advantages from business associates, actual or potential suppliers, or service providers which are intended to influence a business decision or transaction in some improper way.
- We will not give or offer any money, gift, hospitality or other advantage to any person carrying out a business or public role in Jersey, the UK or abroad, or to a third party associated with that person, to get them to do something improper or to improperly influence them to our advantage.

- We do not allow facilitation or 'grease' payments under any circumstances.
- We will not use intermediaries or contractors for the purpose of committing acts of bribery or corruption.
- Third parties are not permitted to offer or provide any money, gift, hospitality or other advantage in order to secure benefits for themselves or the Government when carrying out business connected with the States of Jersey.
- We will avoid doing business with others who do not commit to conducting business without bribery and corruption.
- We will carry out appropriate risk assessment and due diligence on third parties and maintain a record of this process. We will include appropriate anti-bribery and corruption clauses within our contractual arrangements.
- We will implement procedures to ensure all conflicts of interest are managed in an appropriate manner.
- Any States Members found to be in breach of these principles will face action from the Commissioner for Standards and the Privileges and Procedures Committee.
- States Members and senior management will set the standards and provide leadership to all employees with regard to the appropriate behaviours required with regard to anti-corruption. These will be set out in a detailed strategy response and embedded in performance management arrangements.
- Any employee found to be in breach of these principles will face disciplinary action.
- Any criminal offences may be reported to the States of Jersey Police for consideration of an investigation
- Employees will be provided with appropriate training in this area
- No employee will suffer demotion, penalty, or other adverse consequence for raising concerns even if it may result in an adverse impact on the business of the States of Jersey.
- We will implement an on-going corporate risk assessment process to ensure there is a dynamic response to all threats of corruption.

Report a Concern

The States of Jersey is committed to a programme to counter the risk of the States members or employees being involved in bribery or corruption. Any concerns relating to a breach of the Policy should be reported in one of the following ways:

To designated employees:

- Chief Operating Officer, Government of Jersey
- Director of Risk and Audit, Government of Jersey
- Chief Internal Auditor, Government of Jersey
- Chair Risk and Audit Committee, Government of Jersey
- External Whistleblowing helpline (**0800 374 199**), and web reporting service (wrs.expolink.gov.je)

- Line manager

You can also raise your concern via a dedicated, 24/7/365 Speakup Line, provided by Expolink. The speak-up line is completely independent from the States of Jersey. All of the operatives will be fully trained and able to offer help and guidance as to how you wish to progress your concern.

There are three ways to contact the speak-up line; by free phone (0800 374 199), via the web at <https://wrs.expolink.co.uk/statesofjersey> and via your smart phone, search for Expolink's Speaking Up App and look for this branding (once installed use the access code statesofjersey):



You will be provided with a unique reference number and you can check for feedback on your concern, even if you choose to remain anonymous. Where your concern relates to issues involving more than one department or a States member, concerns can be raised directly with the Chief Operating Officer.

For departments required to comply with UK regulatory and statutory provisions that apply to specific definitions of 'serious concerns' (for example, but not limited to, HSSD, Law Officers' Department and finance staff working with anti-money laundering legislation) departmental guidelines will apply in respect of who to raise concerns with.

The Chief Internal Auditor must be notified of all concerns raised and, unless there is a potential conflict of interest the Director General (or equivalent) of the relevant department must also be notified. The Treasurer of the States must be notified of all financial concerns raised. The person who you raise your concern with will be able to make these notifications on your behalf, and will ensure that they are anonymised.

Further information and guidance

The following supplementary documents are available on the Government of Jersey intranet site:

- States of Jersey Counter Fraud and Corruption Strategy 2020 (Draft)
- Code of Conduct Ministers and Assistant Ministers (September 2018)
- Code of Conduct Human Resources (2002)
- States of Jersey Whistleblowing Policy (January 2019)

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