

**Anti-Bribery Policy  
Formal Consultation Responses - 2016**

Consultee	Dept	Division	Section	Comments	Amendments
B Henderson	MHK		General	I have gone through this document and have nothing to add or amend as far as I can see. However I would make mention that where we are stating it is an employee's duty to report such actions if discovered – then cross reference to the 'new whistleblowing policy' as well. So that this avenue of reporting is clearly stated within the Bribery Policy not just stating 'reporting through correct channels' – you need to say and illustrate what you mean. Give examples. This makes it clear for staff, avoids confusion or a reluctance to make a report. We know what we mean as we wrote the document and are well versed in the type of wording used etc. However, a staff member who is concerned about something trying to pick through this 'may not get it'. That's my biggest worry.	Staff responsibility is made clear in No15 page 9; under 'you must...; you should... and you should not...'; No 16 refers the reader to the Whistleblowing Policy under the heading 'How to raise your concerns'. There is also is provision for the line manager/Designated Manager/trade union/MIRS/Audit Advisory Division to give advice.
B Henderson	MHK		General	I am in full support of both Anti-Bribery and Whistleblowing documents.	
	Treasury	Corporate Services	General	As you will appreciate both these subjects have a heavy Audit involvement and as such it is quite concerning that the policies, even in draft form, did not mention the requirements of Financial Directions or the role of Audit, hence the response above. Gary Milligan, from Audit, who provided the responses should be contacted by those producing these policies as part of the policy drafting process.	See 33 in 'Interested party feedback 2015' tab the WB procedure highlights See point 16.3 on p 10 - refer to Audit; also 18. legislation - last point.
	DOI	Office of Minister & CEO	10.1	Statutory Obligations (Duty of certain public officials to report bribery) Under this section, given that it covers Members of Tynwald, would a vote from a constituent count as an advantage?	Not according to our research and also advice from Audit Advisory Division. It is important to distinguish bribery from lobbying, which is a legitimate process of trying to influence a legislator or policy maker to make a decision in your favour, without the promise of any financial support. Transparency International explains that lobbying becomes a problem when it takes place 'behind closed doors and away from public scrutiny' or when 'backed up by extensive funds at the disposal of interest groups' which can lead to undue influence being imposed. <a href="http://www.transparency.org.uk/our-work/uk-corruption/lobbying">http://www.transparency.org.uk/our-work/uk-corruption/lobbying</a>

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DOI	Office of Minister & CEO	12.1	Give, promise to give, or offer payment, gift or hospitality with an expectation or hope that a business advantage will be received, or to reward a business advantage already given - in relation to this, does this include the provision of a service where they may not be the direct recipient. For example politicians who lobby on behalf of the public for a particular piece of roadwork to be undertaken?	This should be covered by the Ministerial Code within the IOM Government Code 2011. Whilst the Code 'is not a rulebook' and it is for Ministers to decide 'how to act and conduct themselves', it does specifically state in its guidance: "The Code should be read against the background of the overarching duty on Ministers to comply with the law, including international obligations, to uphold the administration of justice and to protect the integrity of public life. They are expected to observe the Seven Principles of Public Life ... and the following principles of Ministerial conduct: • Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests; • Ministers should avoid accepting any gift or hospitality which might, or might reasonably appear to, compromise their judgement or place them under an improper obligation]; • Ministers in Tynwald must keep separate their roles as Minister and constituency Member and must not use Government resources for non Government purposes; • Ministers must uphold the political impartiality of the Civil Service and not ask Civil Servants to act in any way which would conflict with the Civil Service Code."
DOI	Office of Minister & CEO		Consideration should be given to provide clearer guidance within the policy as to the role of lobbying and political activity.	Consider this would be a separate piece of work and not part of the Anti-Bribery policy which is underpinned by the Bribery Act 2013 - see comment re 10.1 above
Treasury	Corporate Services	15	15 You should: i. Report any concerns to your Manager/ Designated Officer/ <b>Audit Advisory Division</b> and to a Constable in the IOM Constabulary Financial Crime Unit.	<b>Amended</b>

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	Treasury	Corporate Services		<p><b>16.3</b> An officer of your Board, Department or Office has been appointed to act as a Designated Officer under the Whistleblowing Policy (have previously pointed out to OHR this may not be the same person as the Fraud Liaison Officer) and it is to that officer that you should refer your concerns. If you do not know who your Designated Officer is, a list can be found on the Government Intranet Whistle Blowing and Designated Officers site. Alternatively, if you do not have access to the Intranet, please call the Audit Advisory Division, Treasury, on the Confidential Reporting telephone line 686546 or email <a href="mailto:audit.fraud@gov.im">audit.fraud@gov.im</a> (the link is dead, should read <a href="mailto:enquiries.audit@gov.im">enquiries.audit@gov.im</a> ). Your query will be dealt with on a confidential basis and you will be directed to your Designated Officer. You are encouraged to disclose your name to the Designated Officer whenever possible; however, concerns can be raised anonymously</p>	<p>Email to Chief Officers to update DO and FLO lists - following discussion with Audit Advisory Division, email suggests that one of the DOs is also the FLO. Updated link.</p>
	Treasury	Corporate Services	Flowchart	<p><b>Flowchart</b> – no reference to Audit Advisory Division being involved in reporting process, no reference to the reporting of all Financial Irregularities under FD11.</p>	<p>Following discussion with Audit Advisory Division agreed to include a separate note on the Flowchart to advise that financial irregularities should be reported under FD11.</p>