

Public Sector Worker faces first Conviction under Bribery Act

The first person to be successfully prosecuted under the recent Bribery Act 2010 will be sentenced on 11 November 2011 at Southwark Crown Court. Munir Patel, a Court Administrative Officer at Redbridge Magistrates' Court in East London, pleaded guilty to charges of bribery and misconduct in a public office for accepting a bribe of £500 in connection with a speeding charge.

The Crown Prosecution Service have criticised his conduct as bringing the criminal justice system into disrepute and condemned his actions as undermining the very laws that he was employed to uphold.

Mr Patel now faces penalties of up to 10 years imprisonment or a fine, or both.

Much has been written about the likely impact of the Bribery Act, but most writers on the subject have focussed to date upon the vulnerability of private sector organisations who made corrupt payments abroad. Many commentators also thought it likely that cases prosecuted under this new legislation would involve significant sums of money changing hands. However, the Patel case clearly demonstrates that Prosecutors are more than willing to use the legislation against individuals such as public officials where they have been involved in accepting low value corrupt payments. For an organisation charged under the Act, the only defence available where an employee has made or received a bribe, is where the organisation can demonstrate that it had put in place adequate

procedures to prevent the act of bribery occurring (based on risk assessment and due diligence factors). Had Mr Patel's employer been a commercial organisation and not a Public Sector organisation, they would almost certainly have been called upon to make out this defence.

Mr Patel's case has hit the headlines as the first of its kind, but with surveys results showing that offers of bribes are common place (such as, for example, the one published by the Chartered Institute of Building in which a staggering 40% of the 1400 construction professionals interviewed said they had personally been offered a bribe), there may be many more cases to come.

There are a number of official sources of general guidance to assist organisations in relation to compliance with the Act. These include the Ministry of Justice's publication Quick Start Guide. A new British Standard, BS10500 on the topic is also currently under consultation and expected to be published at the end of the year. Bespoke advice should be sought from specialist regulatory compliance and enforcement solicitors.