



Tay Road Bridge

ANTI-BRIBERY POLICY

October 2019

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1 Introduction

- 1.1 Tay Road Bridge Joint Board (the Board) has a zero tolerance approach to bribery and is fully committed to consistently operating the highest standards of conduct whilst delivering its services.
- 1.2 For the purpose of this Policy, the term “Employee” applies to all Board Members, Board Officers, employees and individuals acting on the Board’s behalf and are responsible for maintaining the Board’s reputation and for conducting Board business honestly and professionally.
- 1.3 All Board employees should strive to act at all times, in line with this Policy (and all other related Board policies), in an open, honest and ethical way, helping to protect and maintain the Board’s honourable reputation. There is an expectation that everyone else working for and with the Board, including agency and casual workers, contractors, suppliers, partners and other third parties / external service providers, will do the same.
- 1.4 The Board is committed to preventing bribery and complying with all relevant legislation, including the [Bribery Act 2010](#) (the Act). Allegations of bribery will be investigated by senior officers of the Board in line with relevant procedures and, where appropriate, escalated to senior officers in Dundee City Council (the Council) and notified to Police Scotland. Where bribery allegations involving Board employees are substantiated, this will lead to formal disciplinary action.
- 1.5 This Policy summarises the Act, sets out the key anti-bribery and corruption principles to be observed and details the corporate and employee responsibilities required to ensure compliance. This Policy also provides information surrounding the already established and related framework of codes of conduct, policies and procedures as well as information and guidance on how to prevent, recognise and deal with potential instances of bribery.

2 Definition of Bribery

- 2.1 Bribery is a criminal offence relating to the offering, promising, giving, accepting or soliciting of an advantage as an inducement for an action which is illegal or a breach of trust.
- 2.2 An advantage can be described as a financial or other type of reward (such as a gift, gratuity, hospitality and / or access to commercially sensitive or other data), given to individuals to encourage them to improperly perform tasks / carry out actions, or to reward them for having already done so. This includes seeking to influence a decision-maker by providing them with benefits that exceed those that would be reasonably expected as part of a process or procedure.

3 The Bribery Act 2010

- 3.1 The Act came into force on 1 July 2011 and is concerned solely with bribery. Fraud, theft and other offences, such as money laundering offences, are not covered by the Act.
- 3.2 The Act establishes a framework for the following key criminal offences surrounding bribery, relating to individuals and / or organisations:

- The offering, promising or giving of a bribe to another person (Active Bribery) – Section 1 of the Act.
 - The requesting, agreeing to receive or acceptance of a bribe (Passive Bribery) – Section 2 of the Act.
 - Bribery of foreign public officials – Section 6 of the Act.
 - Failure of organisations to put in place adequate procedures to prevent bribery – Section 7 of the Act.
- 3.3 It is irrelevant under the Act whether the bribe is made directly from one individual to another or through a third party, or whether the advantage is for the benefit of the individual performing the function or the benefit of another individual. Employees should always be aware of the possibility that they may be targeted for attempted bribery.
- 3.4 There are serious consequences, at both an individual and organisational level, for non-compliance with the Act. In relation to individuals, consequences under Sections 1, 2 and 6 include imprisonment (the maximum penalty under the Act is ten years imprisonment), unlimited fines and termination of employment / contract with the Board. Potential risks for the organisation under Section 7 include unlimited fines, significant reputational damage and subsequent loss of public confidence.

4 Compliance

- 4.1 The Board ensures that it is operating high standards of conduct at all times and is complying with the requirements of the Act through this Policy and the following framework of related codes of conduct, policies and procedures:
- Standing Orders;
 - Schemes of Administration for Financial Regulations;
 - Schemes of Administration for Tender Procedures;
 - Schemes of Administration for Delegation of Powers;
 - The National Code of Conduct for Councillors;
 - The National Code of Conduct for Local Government Employees in Scotland;
 - Operating Procedures and Guidelines;
 - Fraud Guidelines and Anti-Fraud and Corruption Strategy;
 - Local Code of Corporate Governance;
 - Employees' Conditions of Service and Employment Policies;
 - Whistleblowing Policy and supporting procedures; and
 - Register of Officers' Interests.
- 4.2 A number of steps are taken to help ensure and monitor understanding and compliance with the framework, including formal sign off and dissemination of policies and procedures, delivery of training and awareness programmes (including induction and refresher training), active monitoring and review by management, follow-up and reporting arrangements.
- 4.3 In relation to this Policy specifically, employees will receive a copy of the document and be required, both at the point of commencing employment with the Board and at defined intervals thereafter, to confirm that they have read and understood its requirements. Failure to adhere to this Policy or any other related code of conduct, policy or procedure in the framework may result in disciplinary action being taken against an employee, up to and including dismissal.

5 Board Responsibilities

- 5.1 The Board expressly forbids employees or associated persons from offering or accepting bribes or unlawful inducements to or from anyone for any purpose. The use of an associated person or third party as a 'go-between' to channel bribes to others is also unacceptable.
- 5.2 The Board is committed to the prevention and detection of bribery and is responsible for:
- ensuring procedures are in place to prevent bribery;
 - making all employees aware of their responsibilities through this Policy, the National Code of Conduct for Local Government Employees in Scotland and other related codes of conduct, policies and procedures;
 - training employees to enable them to recognise acts of bribery and take any action that may be required;
 - ensuring training on this Policy forms part of the induction process for all new employees, and that all employees are reminded of their responsibilities regarding bribery;
 - encouraging employees to be vigilant and report any reasonably held suspicions of bribery, using the Board's Whistleblowing policy if necessary;
 - investigating all instances of alleged bribery, notifying Police Scotland where bribery is suspected and assisting as appropriate and during any resultant prosecution;
 - seeking, wherever possible, to recover any losses suffered as a result of an act of bribery; and
 - including appropriate anti-bribery clauses in employment and commercial contracts.

6 Preventing Bribery – Adequate Procedures

- 6.1 An organisation will have a statutory defence against prosecution for bribery offences if it puts in place "adequate procedures" designed to prevent bribery. What is considered "adequate" depends on the bribery risks as well as the nature, size and complexity of the organisation. Adequate procedures need to be applied **proportionately**, based on the level of risk.
- 6.2 In determining such procedures, the Government has indicated that organisations should be informed by six principles:
- Top Level Commitment - Have top level management been active in making sure that employees and the key people who do business with you and for you, understand that you do not tolerate bribery;
 - Risk Assessment - What are the bribery risks that the Board might face, i.e. the markets that it operates in or the people it deals with;
 - Proportionate Procedures (proportionate to the bribery risks faced) - This is dependent upon the size of the organisation and if it is operating in countries or markets where the risk of bribery is higher;
 - Due Diligence - Knowing exactly who you are dealing with can help to protect the Board from taking on or engaging people who might be less than trustworthy;
 - Communications (the Anti-bribery Policy and procedure are embedded and understood) - Ensuring that policies and procedures are communicated to employees and others who perform services on the Board's behalf enhance awareness and helps to deter bribery. In higher risk situations, the Board might insist on additional training; and

- Monitoring and Review - The risks the Board faces and the effectiveness of procedures may change over time. The Board therefore needs to ensure that if the bribery risks that it faces change then it must ensure its policies change.

The Board's arrangements embody these six principles.

7 Employee Responsibilities

7.1 The prevention, detection and reporting of bribery (as well as other forms of corruption) are the responsibility of all employees working for the Board. With that in mind, all employees **must**:

- comply with this policy;
- avoid any activity that breaches this Policy or could be perceived as a breach of this Policy;
- comply with policy on accepting gifts, gratuities or hospitality, seeking advice if necessary; and
- raise any concerns as soon as possible if you believe or suspect that a breach of this Policy has occurred or may occur in the future.

Employees **must not**:

- give or promise to give, or offer a payment, gift or hospitality with the expectation or hope that a personal, commercial, regulatory or contractual advantage will be received, or to reward any such advantage already given;
- give or promise to give, or offer a payment, gift or hospitality to a colleague, third party, agent / representative to facilitate or speed up a process or a procedure;
- accept a payment, gift, gratuity or hospitality from a third party if you know or suspect that it is being offered or provided with an expectation that a business advantage will be given by the Board in return; and
- retaliate against, threaten or victimise anyone who has refused to be involved in bribery, or who has raised concerns under this Policy.

The list above is not exhaustive but is intended to provide examples of conduct likely to breach this policy.

8 Reporting Arrangements

8.1 If an employee has any concern or suspicion that they, or a colleague, may be involved in or affected by improper activities of the nature described in this Policy, they can report this in a variety of ways.

8.2 Preferably, the employee will speak to their supervisor / manager. However, they may not feel able to do that e.g. their supervisor may be involved or the individual may just want to make an anonymous report. Whatever the reason, if an employee wants to take another route, they can:

- speak to a senior manager;
- report online:
 - on Dundee City Council's internet site. Click on '**Your Services**' and select '**A-Z**' then go to '**Fraud Reporting and Whistleblowing**', or

- on Dundee City Council's intranet, One Dundee: Click on '**Do It Online**' and in the '**Report**' column, select '**Whistleblowing**'.
- Send an email to whistleblowing@dundeecity.gov.uk
- telephone 01382 431250 or 0300 123 5829;
- send a letter marked 'PRIVATE AND CONFIDENTIAL' to: Dundee City Council, Corporate Services, Corporate Fraud Team, 50 North Lindsay Street, DUNDEE, DD1 1NZ; or
- seek the help of their Trade Union.

8.3 Employees should report their concerns to the Board in the first instance, but are entitled to raise their concerns with external bodies - 'prescribed persons' which in Scotland are principally the Secretary to the Accounts Commission for Scotland and the Auditor General for Scotland. Employees will be told about this option but it will be stressed that they should use internal processes first.

8.4 If a member of the public tells an employee about a bribery concern or suspicion they have, then that employee should make a note of the person's details and their concerns and pass on the details as described at 8.2 above. Thank the member of the public and explain to them that someone else from the Board will contact them to acknowledge receipt and, if required, obtain further information. Whilst there are several routes available for members of the public to report concerns to the Board, employees should not redirect them to these unless specifically asked. The employee should take responsibility for ensuring the bribery concern or suspicion is properly reported.

9 Review

9.1 This policy will be kept under review by Bridge Officers and revised where necessary, to reflect organisational changes, best practice, operational experience and legislative updates, in order to maintain its effectiveness. It will be fully reviewed in December 2022.

	Implementation of Original Policy:		December 2019
Revision Number	Planned Review Date	Actual Review Date	Summary of Changes
1	December 2022		
2			
3			