



Transport for  
Greater Manchester

## **ANTI-BRIBERY POLICY**

<b>Document Control</b>	
<b>Title</b>	TfGM Anti-Bribery Policy
<b>Responsible Officer</b>	Head of Audit and Assurance
<b>Management Approval</b>	Managing Director
<b>Governance Approval</b>	Audit and Risk Assurance Committee
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## 1. Introduction

- 1.1 TfGM is committed to ensuring that it conducts its business in accordance with the highest standards of probity and accountability. It expects its employees, contractors and other third parties to demonstrate the highest standards of honesty and integrity. TfGM is therefore committed to combating bribery and is committed to identifying employees who abuse their positions of trust. Similarly agents, consultants, contractors or suppliers who abuse their relationship with the organisation will not be tolerated. TfGM maintains a zero tolerance attitude to acts of bribery by anyone associated with it or acting on its behalf.
- 1.2 In order to limit its exposure to bribery TfGM will:
- (i) Inform employees how to recognise and prevent the use of bribery by themselves and others.
  - (ii) Encourage the reporting of any suspicion of bribery and treat such reports appropriately in accordance with the TfGM Whistleblowing Policy.
  - (iii) Investigate allegations of bribery and assist the Police or other external agencies in any prosecution.
- 1.3 It is contrary to this Policy for any employee or third party acting on behalf of TfGM to request, offer, solicit, make or receive any payments or inducements which are illegal, unethical or represent a breach of trust. 1.4 TfGM expects any third party acting on its behalf to be able to demonstrate a commitment to zero tolerance towards bribery and to conduct their business fairly, honestly and in accordance with government guidelines.
- 1.5 Dishonesty on the part of any employee or any persons or organisations associated with TfGM will not be tolerated and where bribery or corruption is detected, TfGM will investigate the matter and, if proven, will take appropriate disciplinary/legal action against the person(s) concerned

## 2. POLICY SCOPE AND AIMS

### Scope

- 2.1 This policy applies to all of TfGM's activities and employees. For partners, joint ventures and suppliers, TfGM will seek to promote the adoption of policies consistent with the principles set out in this policy.
- 2.2 This policy applies to all levels and grades, those permanently employed, temporary agency staff, contractors, non-executives, agents, volunteers and consultants. It is expected that these persons and any other people or

bodies associated with TfGM will act in a manner consistent with this policy .

- 2.3 The TfGM Gifts and Hospitality Policy and Procedure reflect TfGM's commitment to ensuring that the acceptance or offering of hospitality and gifts is reasonable, appropriate, and subject to managerial review. This Anti-Bribery Policy is not meant to prohibit the giving or receiving of appropriate gifts or the provision or acceptance of hospitality, providing these are proportionate and properly recorded in the Gifts and Hospitality Register.

### **Aims**

- 2.4 The aim of this policy is to provide a coherent and consistent framework to enable TfGM's employees to understand and implement arrangements enabling compliance with the Bribery Action 2010. In conjunction with related policies this policy will also enable employees to identify and effectively report a potential breach.
- 2.5 This Policy establishes TfGMs commitment to the following:
- (i) Setting out a clear anti-bribery policy and keeping it up to date;
  - (ii) Making all employees aware of their responsibilities to adhere strictly to this policy at all times;
  - (iii) Training all employees so that they can recognise and avoid the use of bribery by themselves and others;
  - (iv) Encouraging all employees to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately;
  - (v) Rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution;
  - (vi) Taking firm and vigorous action against any individual(s) involved in bribery;
  - (vii) Providing information to all employee to report breaches and suspected breaches of this policy;
  - (viii) Including appropriate clauses in contracts to prevent bribery

### 3 LEGAL DEFINITIONS

- 3.1 The Bribery Act 2010 describes four key offences
- Bribery of another person – to offer, promise or give a bribe (Section 1)
  - Accepting a bribe – to request, agree to receive or accept a bribe (Section 2)
  - Bribing a foreign public official – with the intention of obtaining or retaining business or an advantage in the conduct of business (Section 6)
  - Failing to prevent bribery - failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business (Section 7)
- 3.2 For the purposes of the Act, relevant commercial organisations are not limited to private sector businesses, but potentially include organisations which engage in commercial activity, even if they are performing a public function

#### Facilitation Payments

- 3.3 Facilitation payments are illegal. Facilitation Payments are unofficial payments made to public officials in order to secure or expedite actions.

### 4 TfGM AND EMPLOYEE RESPONSIBILITIES

- 4.1 The TfGM **Executive Board** is responsible for establishing this Policy and embedding the appropriate corporate culture, which prohibits bribery and corruption involving TfGM employees or any third parties acting on behalf of TfGM.
- 4.2 The **Chief Executive's Leadership Team (CELT)** are ~~is~~ responsible for establishing appropriate responsibilities, procedures, and internal controls within their respective operations to ensure the consistent implementation of this Policy across all jurisdictions and compliance with its requirements.
- 4.3 It is the responsibility of the **Extended Leadership Team (ELT)** to ensure that all employees and all third parties acting on behalf of TfGM are made aware of this Policy.
- 4.4 It is the responsibility of **every employee** to ensure compliance with this Policy. If any employee believes that this Policy is not being correctly

adhered to, or they suspect an incidence of bribery has, or is about to take place, then they should raise their concerns in accordance with the provisions of the Whistleblowing Policy and/or Counter Fraud and Corruption and Fraud Response policy and procedural guidance.

- 4.5 It is the responsibility of the **Head of Audit and Assurance** to monitor and report annually on adherence to the Anti-Bribery and Corruption Policy. This may be derived from periodic staff awareness surveys.

### **Risk Assessment**

- 4.6 The **Head of Risk and Assurance** through the corporate risk framework is responsible for providing the risk assessment procedure and process which identifies and priorities risks from bribery and corruption. As part of normal risk management activity, the **Corporate Risk Manager** will facilitate, via Risk Champions, the effective management of fraud, bribery and corruption risks

Effective risk assessment is core to the success of this Anti-Bribery Policy. The identification of specific areas of the business where TfGM may face the risk of bribery requires increased focus on evaluating those risks and the mitigation required to protect the organisation. Bribery Risk assessment should be conducted by management and form part of the corporate risk management process.

## **5. Due Diligence Checks**

- 5.1 The Bribery Act 2010 advise that “Knowing exactly who you are dealing with can help to protect your organisation from taking on people who might be less than trustworthy. You may therefore want to ask a few questions and do a few checks before engaging others to represent you in business dealings”. These are called Due Diligence Checks.
- 5.2 Due Diligence Checks should be carried out on persons supplying services for TfGM or on TfGM’s behalf. It is not necessary to conduct a Due Diligence Check on a supplier simply supplying goods and services to TfGM, where it is unlikely that there is a supply of services further down the supply chain.
- 5.3 A proportionate and risk based approach should be taken to determining the extent and depth of checks required for an individual supplier. Where the risks of bribery in the supply chain are higher then more checking may need to be done. The aim is to be satisfied that the person that is to represent TfGM can be trusted not to use bribery on its behalf.
- 5.4 Due diligence reports that contain evidence of negative news reports, warnings or sanctions involving a supplier or potential business relationship, as well as any association with politically exposed persons, which may present an increased risk of bribery and corruption must be

raised by the requesting employee with the Head of Legal before commissioning the supplier. In some cases, this may mean not progressing with the relationship or third party transaction.

- 5.5 Businesses who act on TfGM's behalf must be formally advised of the existence of, and operate at all times in accordance with, this Anti-Bribery and Corruption Policy. A copy of the Anti-Bribery and Corruption Policy should be made available to them on their appointment by the contracting party.
- 5.6 **CELT and ELT** are responsible for evaluating business partner risks and ensuring that the awareness of this Anti-Bribery and Corruption Policy is formally communicated and acknowledged by their business partners

## 6 GIFTS AND HOSPITALITY

- 6.1 This policy should be read in conjunction with the TfGM Gifts and Hospitality Policy and Procedure which provides the following guidance that:
- Small gifts such as pens, diaries, inexpensive office stationery and calendars may be accepted;
  - Larger and more expensive items such as computer equipment/software, cases of wine/spirits should not be accepted. As a guide it is considered that any gift with an estimated value of more than £10 is not appropriate and should be refused;
  - Personal favours such as loans, works to personal property, holidays are not acceptable and should be refused;
  - Attendance at an evening or weekend function or a business lunch/dinner which helps to develop relationships necessary between TfGM employees and external representatives may be acceptable. Attendance at certain events inappropriate or unconnected to the business needs of TfGM is not appropriate.

## 7. RAISING A CONCERN

- 7.1 TfGM is committed to ensuring that all employees have a safe, secure, reliable and confidential way of reporting suspicious activity. Each and every employee may raise a concern.
- 7.2 All employees have a responsibility to help detect, prevent and report instances of bribery. Anyone who has a concern regarding a suspected instance of bribery or corruption should report it. The TfGM



Whistleblowing Policy sets out how and to whom concerns should be raised.

- 7.3 Concerns can be anonymous. In the event that an incident of bribery, corruption, or wrongdoing is reported, action will be taken as soon as possible to evaluate the situation. TfGM has clearly defined procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind. This is easier and quicker if concerns raised are not anonymously.
- 7.4 Employees who refuse to accept or offer a bribe, or those who raise concerns or report wrongdoing can understandably be worried about the repercussions. TfGM will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken.
- 7.5 TfGM is committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith.
- 7.6 All concerns should be sent to Confidential.Reporting@ftgm.com

## **8 COMPLYING WITH RELATED LEGISLATION**

- 8.1 To protect the rights of individuals under investigation, all investigation activity will be conducted so as to be compliant with the related provisions of the Human Rights Act 1998, the Equality Act 2010, and TfGM's Corporate Diversity and Inclusion Policy
- 8.2 When processing personal data as part of any investigation of bribery suspicions or allegations, TfGM will take all necessary precautions to protect such data and not to share it more widely than is necessary as part of the investigation. The General Data Protection Regulations and the Data Protection Act 2018 will be applied to all aspects of any such investigation

## **9 TRAINING AND AWARENESS**

- 9.1 **CELT and ELT** are responsible for ensuring employees are made aware of this Policy and any training needs which may arise from this policy are fulfilled. The TfGM induction process shall also ensure that new employees complete the Bribery Act 2010 e learning.
- 9.2 All employees covered under this Policy's scope shall ensure that they read and understand this Policy and complete the Bribery Act 2010 e learning.

## **10. MONITORING AND REVIEW**

10.1 The Head of Audit and Assurance will report to the Audit and Risk Assurance Committee (ARAC) on the Policy's implementation and organisational compliance, identifying any changes needed to the Policy for approval. The report shall also include details of any reported Bribery concerns and investigations conducted.

## **11 OTHER RELEVANT POLICIES**

11.1 The following policies should be read in conjunction with this Anti-Bribery Policy: [hyperlink these when published on the intranet]

- Whistleblowing Policy
- Anti-Money Laundering Policy
- Counter Fraud and Corruption Policy
- Fraud Response Procedures
- Gifts and Hospitality Policy