

# Anti-bribery Policy

Version 1



Owner: Transparency, Ethics and Data Protection

Date issued: May 2015

Approved by: Executive Committee

Version	Date	Comment
1.0	01/05/15	First version published.

## 1. Policy statement

A bribe is something – like money, gifts and hospitality, or free services – given to someone with the intention of influencing them to act in a way that favours an individual or company. Accepting, requesting or offering a bribe is illegal under the [UK Bribery Act 2010](#).

Facilitation payments (sometimes referred to as ‘grease payments’) are also a form of bribery and are illegal under the Bribery Act. These are small amounts of cash or gifts intended to speed-up a legitimate process, like paying an unofficial fee to speed up the process of obtaining a licence or permit.

Allegations of bribery and corruption could expose you or Network Rail to the risk of prosecution, fines and imprisonment. No-one employed by or doing business on behalf of a company under Network Rail control should ever offer, make, ask for or accept a payment, gift or favour in return for favourable treatment or to gain a business advantage. Remember that the law in this area – the [UK Bribery Act 2010](#) – applies in exactly the same way irrespective of whether you are working in the UK or overseas.

The prevention, detection and reporting of bribery is everyone’s responsibility. If you have been offered a bribe or have received an inappropriate request from someone you do business with, please contact the ethics team at [ethics@networkrail.co.uk](mailto:ethics@networkrail.co.uk) for advice, or report it via [Speak Out](#). Speak Out is Network Rail’s confidential and anonymous reporting service. You can make a report by phoning 0808 143 0100 or by visiting [www.intouchfeedback.com/networkrail](http://www.intouchfeedback.com/networkrail). Network Rail supports employees who raise concerns and does not tolerate retaliation against people who speak out. For more information read our Speak Out policy.

Nobody employed by Network Rail will be penalised in any way for refusing to participate in or for turning down a business opportunity because they think there is a risk of bribery.

This policy is endorsed by Network Rail’s CEO, Mark Carne, and the Executive Committee.

## 2. Scope

This policy applies to everyone that works for or on behalf of Network Rail in every wholly-owned Network Rail company and in every joint venture company under Network Rail control. Contractors, consultants or suppliers who are our agents or who are working on our behalf or in our name, through outsourcing of services, processes or any business activity, will be required to act consistently with this policy when acting on our behalf.

Joint venture companies not under Network Rail control and joint venture partners must adopt a similar policy and adequate procedures to prevent bribery.

### 3. Gifts & hospitality

Network Rail understands that giving and receiving modest gifts and hospitality is a normal part of doing business. In the vast majority of cases, this won't be bribery. Things which might make something appear to be a bribe include if it's lavish, or timed inappropriately (for instance to coincide with the renewal of a contract), or if you think that the person making an offer is only doing it to influence you or a decision you need to take. Network Rail's [Gifts and Hospitality](#) policy provides more guidance.

### 4. Charitable contributions

Charitable contributions may in some situations raise bribery issues, as they can be used as a cover for bribery or may be perceived as improper. This is especially the case when working abroad as in some countries it might be difficult to check the legitimacy of charitable organisations. As a company, we only support causes that are aligned with our [charitable objectives](#) and any contributions Network Rail makes need to be approved in advance by the Community Investment Panel ([charitablegiving@networkrail.co.uk](mailto:charitablegiving@networkrail.co.uk)). For charities based abroad, you'll need to do more due diligence – this is something the ethics team ([ethics@networkrail.co.uk](mailto:ethics@networkrail.co.uk)) will be able to help you with.

### 5. Political donations

At Network Rail, we regularly meet representatives of the major political parties to explain what we're doing and the issues we face. That's as far as contact goes. We don't make financial contributions to the parties, nor do we allow our employees to make any form of political donation or contribution on our behalf. The same applies when working abroad. We might come into contact with political representatives, but we must never appear to support any one party or individual over another.

### 6. Use of third parties

Under the Bribery Act 2010, Network Rail has an obligation to prevent bribery on its behalf by 'associated persons'. Associated persons include all staff, but also third parties who do work on our behalf or represent us in a business transaction, such as suppliers, contractors, consultants, agents, or joint venture partners.

Preventative measures should always be proportionate to the level of risk the associated person poses – for instance, if they interact with government officials or operate abroad on behalf of Network Rail, the risk is inherently higher. Network Rail has a set of processes and procedures in place to assess and mitigate the risk posed by its associated persons, which includes things like due diligence, contractual provisions and communications and training.

However, before engaging a third party to do business on Network Rail's behalf, we should all think about the bribery and corruption risks, and keep an eye out for any red flags.

Here are a few things you should consider:

- Will the third party perform services on behalf of Network Rail, or be authorised to represent Network Rail when dealing with other third parties, especially government officials? Will it be in a position to influence decisions or the conduct of other third parties for the benefit of Network Rail?
- Does the third party have a known history of misconduct, especially bribery and fraud?

- Does it operate (on Network Rail's behalf) in a geographic location perceived to have high corruption risks?
- Is the project for which you're engaging them particularly large or complex (e.g. involving many parties, phases or transactions), in a way that could potentially create an opportunity or incentive for bribery or fraud? Does it involve charitable contributions, lobbying or political sponsorship?
- Are there any other red flags present – such as unusually high commissions or expenses, frequent corporate hospitality, unusual payment methods, exceptional bypassing of bureaucratic hurdles, or generally opaque behaviour?
- Are there any significant reputational risks for Network Rail that the association with the third party could cause?

Contact the Ethics team at [ethics@networkrail.co.uk](mailto:ethics@networkrail.co.uk) if you'd like to find out more.

## 7. Breaches

We will investigate any actual or suspected breach of this policy, or the spirit of this policy, thoroughly and impartially. Bribery is a criminal offence under the [UK Bribery Act 2010](#) and breaching this policy could result in fines and even imprisonment for those involved. Employees found to be in breach of this policy may be subject to disciplinary action which may ultimately result in their dismissal, legal proceedings and possibly imprisonment if you are involved in bribery and corruption.

## Q&As

### Q) What is a bribe?

Some examples are:

- A contractor offers you an expensive watch during a tender exercise in exchange for information about other bidders or to tailor the project spec specifically to the bribe-paying vendor (also known as 'bid-rigging')
- A tenant offers you some tickets to a sporting event in exchange for a more favourable rent review
- A supplier offers to build you a new conservatory in exchange for awarding them a contract
- You're offered a share of the money a supplier earns from false labour charges in return for turning a blind eye (otherwise known as a 'kickback')
- A lineside neighbour offers you a few crates of beer in exchange for rescheduling some engineering work to a time when he's not at home
- Giving a supplier the opportunity to by-pass a procurement process in the future if they make their current offer more 'competitive'
- Offering extravagant hospitality to a foreign public official (e.g. a government employee or employee of a state-controlled entity) or a large donation to their chosen charity in order to secure a government contract.

### Q) What is a facilitation payment?

Often referred to as 'grease payments', facilitation payments are small amounts of cash or gifts intended to speed-up a legitimate process, like paying an unofficial fee to speed up the process of obtaining a license or permit. They are a form of bribery and are illegal under the UK Bribery Act 2010. If someone asks you for a fee like this, a good way of checking whether it's legitimate or not is by asking for a receipt. If you can't get one, or any other proof that the payment is legitimate, you must refuse to pay. The one exception to this is where your

personal safety is threatened. If this happens, make the payment, and immediately report the situation to the Speak Out service (call 0808 143 01000 or log on to [www.intouchfeedback.com/networkrail](http://www.intouchfeedback.com/networkrail)).

**Q) I have been offered a bribe or an inappropriate gift that I suspect was intended as bribe. How do I report it?**

The first thing you must do when you are offered a gift or hospitality is register it on [iEthics](#)<sup>1</sup>, regardless of whether you intend to accept it. If you suspect that it may be a bribe, do not accept it and explain that Network Rail has clear policies on gifts and hospitality and bribery. Then you should let your line manager know and use the Speak Out service (call 0808 143 01000 or log on to [www.intouchfeedback.com/networkrail](http://www.intouchfeedback.com/networkrail)).

**Q. Some local residents offered my team a few crates of beer to re-schedule some night work to take place when they're on holiday. What should I do?**

Apart from the obvious difficulties of getting the work moved this sort of offer is a bribe. You must never accept a bribe from anyone, no matter who they are or what position of power or influence that they seem to hold. It is illegal and you could be guilty of a criminal offence. Let your line manager know and use the Speak Out service (call 0808 143 01000 or log on to [www.intouchfeedback.com/networkrail](http://www.intouchfeedback.com/networkrail)).

**Q. I was authorised to hire a consultant to help us with a new project we are working on which involves local government. The consultant has asked for a £4,000 'administrative fee' in order to 'help move things along'. Should I agree to this payment?**

Before engaging the consultant you need to discuss this with your contact in the National Supply Chain. Before agreeing to make any payment, you need to know how the money will be used, so you are sure it is not a bribe or facilitation payment in disguise. Asking for a receipt for the payment will help in deciding whether it is a facilitation payment, or a legitimate fee.

**Q. One of the tenants in a Network Rail managed station frequently offers you free products. Their rent review isn't taking place for another six months and the value of their offers is very low. Can I accept their offers?**

No. Although the rent review is not taking place for another six months, accepting offers of free products could cause feelings of obligation when the time comes. If you accept the offers, it could create the appearance of favouritism, bias and potential bribery. See Network Rail's [Corporate Hospitality](#) policy for guidance on offering and receiving corporate hospitality.

**Q. You're abroad on Network Rail business. While trying to get your local visa, the immigration officer asks you for a small payment. You suspect it might not be a legitimate request. What do you do?**

The best way to find out whether a payment is legitimate is to ask for a receipt. If you can't get a receipt, then you must refuse to make the payment. The only situation in which you should agree to it is if your life, liberty or personal safety is threatened. If you are in such a situation and you've made a facilitation payment, you should let your line manager know immediately, as well as use the Speak Out service (call 0808 143 01000 or log on to [www.intouchfeedback.com/networkrail](http://www.intouchfeedback.com/networkrail)).

---

<sup>1</sup> iEthics can be found in the Oracle E-Business Suite, within 'Employee Self-Service (incl. LOA) NR'.