



Scottish Auto Cycle Union

Anti Corruption Policy

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Anti Corruption and Protection from Fraudulent Conduct Policy

PREAMBLE

The Scottish Auto-Cycle Union (SACU) is the controlling body for Motorcycle Sport in Scotland, we are a National Club within the Auto – Cycle Union (ACU) and recognised as the controlling body for motorcycle sport in Scotland. All events are permitted and run under the guidance of the National Sporting Code and Standing Regulations contained within the ACU Handbook.

1. Introduction

1.1 The SACU and it's staff have an obligation to maintain the highest standards of integrity by ensuring the sport works in a way that will not compromise the reputation of the organisation or motorcycling in general.

1.2 This policy sets out the SACU's standards and procedures relating to Anti-Corruption (Sports Betting) and Conflict of Interests and applies to all individuals working for and representing the SACU including Board Members and all employees, contractors, consultants, and/or related personnel of the SACU acting in any capacity or activity sanctioned by the SACU.

1.3 The Board of Directors have an obligation to staff and members to make policy to ensure that it safeguards against fraudulent conduct. It is further obliged to remove offenders from any position of influence and where necessary prosecute under the terms of the Law in Scotland.

1.4 The framework for this policy is based on the Scottish Governing Bodies and Sporting Organisations Sporting Integrity – Guidance Note (attached as Appendix 2).

1.5 The purpose of this policy is to provide an overview and general advice to all the above people on the issues associated with the integrity of the SACU in terms of Fraud Protection, sports betting and conflicts of interest.

1.6 This policy and guidance is intended to protect the reputation of motorcycle sport, the SACU, and each individual acting for it. Please note that responsibility for complying with this policy lies with all those to whom it applies.

2. Protection from Fraudulent Conduct

Fraud in Scotland is governed under the terms of the Criminal Law (Consolidation)(Scotland) Act 1995 Part IV. There are wider remits under the terms of the Fraud Act (2006).

2.1 Fraud in Scotland is defined in the following ways:

- Common Law Fraud - Fraud is committed when someone achieves a practical result by the means of a false pretence.

- Embezzlement - Embezzlement is the felonious appropriation of property or funds without the consent of the owner
- Uttering - The crime of 'uttering' occurs when someone tenders 'as genuine' a forged document to the prejudice of another person
- Statutory Frauds - In addition there are a wide range of statutory offences which are closely related to common law offences

2.2 Directors, Committee Members and Staff are obliged to protect the organisation and its assets from all threats of fraudulent conduct. This includes a level of vigilance on behalf of the Treasurer in ensuring that all claims for expenses are in line with Chapt 3 of the SACU Financial Policy.

2.3 Where any incident of fraudulent conduct is discovered the SACU will investigate and if necessary prosecute to the extent of the law.

2.4 Point 2.2 above notwithstanding, it is an obligation of every member of the SACU to ensure that the integrity of the organisation as a whole is never brought into question.

3. Sporting Integrity

3.1 A core function of the SACU is to maintain, and be seen to be maintaining the integrity of motorcycle sport in Scotland. Motorcycle Sport has never had any issues with sports betting however, The SACU must legislate against it to protect itself from the threats posed to its integrity by corrupt betting and associated activity both from within and outside the organisation

3.2 Sports betting activity has increased across all sports and disciplines, it is essential that such activity does not take place in a manner which has the potential to compromise sporting conduct and endeavour.

3.3 There will be stricter rules for members of Staff in positions of trust and/or at particular risk and this will depend on the role of the Staff member.

3.4 If you are "Directly Involved" with a sport you cannot:

- bet on the sport, anywhere in the world;
- ask someone to bet on your behalf on the sport anywhere in the world;
- share any "Inside Information" with anyone including but not limited to your spouse, cohabitee or dependent children which could enable them to gain an advantage through corrupt betting activity(See section 5 (Inside Information) for further information); and 3.1.2.4.4.
- Become involved in any other activity associated with corrupt betting which could reasonably be deemed as suspicious and detrimental to the image and reputation of the SACU and motorcycle sport.

3.5 "Directly Involved" means working with a sport as a representative of the SACU.

3.6 The following offences are also prohibited:

- Fixing or attempting to fix the outcome of an event
- Benefiting from failing to perform
- Soliciting, inducing, encouraging, offering a bribe (or attempting to) any other party to do any of the above offences
- Receiving, seeking a bribe (or attempting to) in order to fix a match or attempt to fix a match
- Pose a threat to the integrity of the sport
- Destruction of evidence in relation to a potential breach
- Failing to report suspicions or approaches.

4. Conflict of Interest

4.1 A conflict of interest may occur when a committee member has an interest that might compromise their ability to carry out their role or job in a reliable way.

4.2 A conflict of interest may still occur even if no improper actions result from it because it can create the appearance of impropriety, which may undermine the reputation of the SACU.

4.3 A conflict of interest may be mitigated by open disclosure of information. An example of conflicts of interest is “favouring contacts” or use of privileged information which may put particular contacts at an advantage.

The full SACU Conflict of Interest policy is listed at annex 1

5. Criminal offence of cheating

5.1 **Section 42 of The Gambling Act 2005** has created a new offence of “cheating at gambling” which would include cheating in sports influenced by betting involvement.

5.2 Breach of the **Gambling Act 2005** new rules may result in the imposition of severe penalties for individuals including fines and possible incarceration.

5.3 Depending on the nature of the activity, any SACU’s Investigation Panel may refer the matter to the Gambling Commission for consideration of an investigation of the criminal offence of cheating at gambling.

6. Inside Information

6.1 The sharing of “Inside Information” by anyone covered by this policy is strictly prohibited by the SACU.

6.2 “Inside Information” means any information, which is not publicly known that would materially affect peoples’ expectations relating to the participation in, or the likely or actual outcome of a sporting competition or event. Such information

includes, but is not limited to, factual information regarding the competitors, the conditions, injuries, or any other aspect of sporting competition or event.

6.3 “Publicly Known” means any information that is already a matter of public record, able to be readily acquired by an interested member of the public, or disclosed according rules and regulations governing the relevant sporting competition or event.

6.4 It is your responsibility to determine whether information which you have access to falls under the definition of “Inside information”. You are advised to err on the side of caution. You should also seek advice from the SACU’s Sporting Integrity Officer.

7. Sporting Integrity Officer - Roles and Responsibilities

7.1 The Company Secretary will responsible as Sporting Integrity Officer (SIO).

7.2 All SACU staff are responsible for betting integrity issues but the SIO has specific additional responsibilities including:

- establishing and maintaining a sound Anti Corruption Policy that supports the achievement of the SACU’s policies, aims and objectives;
- Advising the Investigations Panel

8. Response Plan

8.1 It is vital that, if there is any suspicious conduct within in the SACU, action is taken.

8.2 All members should be aware that they must not try to deal or investigate any allegations of corrupt betting and associated activity by themselves but should immediately report the matter to the SACU’s SIO.

8.3 All members must report any approach or activity which contravenes, or which may contravene, the SACU’s rules on sports betting. Specifically, if any member of Staff is approached about fixing any part of a match or

8.4 In the event that a member of Staff is concerned that the SACU SIO is involved in suspicious betting activity outlined in section 7.3 above, this should be reported to either the Chairman/Vice Chairman or President of the SACU.

8.5 All Staff must co-operate with any investigation and/or request for information including the provision of documentation e.g. telephone/betting records to the Investigations Panel.

8.6 The SIO will co-ordinate the investigation and set up an Investigations Panel consisting of two of the SACU board members and the SIO, the SIO should chair the proceedings. This shall not include the Chairman or President of the SACU.

8.7 The Investigations Panel will investigate any specific allegation. A member of the Panel will be allocated the responsibility for leading the Investigation process.

8.8 The Investigations Panel should establish the facts quickly and any threat of further corrupt betting and associated activity should be removed immediately.

8.9 The Investigations Panel is required to:

- act promptly in investigating the allegation and taking any action required (subject to the SACU Concerns Policy where appropriate)
- fully document the investigation process
- secure evidence in a manner which does not alert suspects at the outset of the investigation
- Ensure that the evidence is secured in a legally admissible form (e.g. evidence must be carefully preserved; it should not be handled and no Panel recommendations marks should be made on original documents; if absolutely necessary, a record must be kept of anyone handling evidence).

8.10 Depending on the nature of the activity, the Investigations Panel may refer the matter to the Gambling Commission for consideration of an investigation of the criminal offence of cheating. Additionally, the Investigations Panel may with betting operators, European/International federations, the Police and the Sports Betting Group.

8.11 Depending on the nature of the fraud, the Investigations Panel may wish to contact external experts for advice.

8.12 The Investigations will prepare a report of its findings and recommendations to the SACU Board for final approval. The report will include details of:

- on how to deal with employees under suspicion (which may include action to suspend or dismiss an employee following discussion with **sportscotland's** Expert resource - employees under suspicion who are allowed to remain on the premises must be kept under constant surveillance; carry out an immediate search of the suspects work area, filing cabinets, computer files);
- recommendations on how to deal with third parties under suspicion;
- recommendations for mitigating the threat of future corrupt betting and associated activity by taking appropriate action to improve controls;
- recommendations for disseminating the lessons learned from the experience in cases where there may be implications for the organisation as a whole; and
- Recommendations on what information can be released externally if requested.

8.13 Anyone investigated under the terms of this policy may appeal any decision or sanction handed out by the SACU Investigations Panel direct to the Chairman or President of the SACU.

8.14 The Investigations Panel must obtain the majority consent of the SACU Board before contacting any of the third parties.

8.15 If a member of the SACU feels that his/her concerns have not been dealt with appropriately internally, you should also be aware that you are empowered to take any concerns to the relevant authorities and other associated external bodies including the Gambling Commission, so long as you act in good faith.

9. The SACU Board Members

9.1 As a SACU Board member, if you are concerned that a fellow Board member(s) or any employees of the SACU, including the Chairman or President is involved in suspicious betting or potentially fraudulent activity you should inform the Chair or Vice Chair if the concern involves the Chair.

9.2 If a SACU Board member believes that the issue cannot be considered objectively by any other member of the Board, they should take their concerns to the **sportScotland** expert resource team;

9.3 If a SACU Board member feels that their concerns have not been dealt with appropriately internally they should also be aware that they are empowered to take any concerns to the relevant authorities and other associated external bodies including the Gambling Commission, so long as they act in good faith.

10. Compliance

10.1 This policy will be monitored, reviewed and amended by the SACU Board in line with case investigations and changes in the law.

10.2 Compliance of this policy will be monitored by the SACU Board of Directors.

Annex 1

SCOTTISH AUTO CYCLE UNION

CONFLICT OF INTEREST Policy



1. Definition

A conflict of interest may occur when a committee member has an interest that might compromise their ability to carry out their role or job in a reliable and objective way.

A conflict of interest may occur even if no improper actions result from it because it can create the appearance of impropriety, which can undermine the reputation of the SACU.

A conflict of interest may be mitigated by open disclosure of information. An example of a conflict of interest is “favouring contacts” or use of privileged information which may put particular contacts at an advantage.

2. Application

This policy applies to committee members of the Scottish Auto Cycle Union.

Such conflicts may create problems because they can

- Inhibit free discussion;
- Result in decisions or actions that are not in the interests of the Scottish Auto Cycle Union.
- Favour particular suppliers, contacts or partnerships and/or
- Result in reputational damage to the organisation.

The aim of this policy is to protect both the SACU as a limited company and the individuals involved from any appearance of impropriety.

3. Policy

The SACU believes that the potential impact of perceived or actual conflicts of interest identified through its internal processes can be mitigated by strong internal systems, transparent decision-making and appropriate declaration of interests. These processes should be the subjects of regular audit checks.

4. Mitigation of potential conflicts of interest

4.1 The following process is designed to address potential conflicts and is indicative but not exhaustive.

The SACU will do its best to ensure that its acts or activities:

- Are compatible with its status as a controlling body of sport
- Does not detract from its reputation as a controlling body of sport
- Does not breach any obligations imposed by the relevant regulatory authorities

- Does not reduce the organisation's ability to deliver its activities as a governing body of sport
- Are based on clearly defined functions and responsibilities, which are designed to minimise conflicts of interest.

4.2 In delivering its activities as a controlling body of sport the SACU will seek to ensure that:

- All external parties are treated equitably
- No external organisations will be improperly assisted to the disadvantage of others
- Services offered to parties of equal status will be offered on an equal basis.

4.3 In its relationship with any existing or future subsidiary companies:

- There will be clearly defined functions and responsibilities to minimise the risk of conflicts arising with appropriate controls in place as necessary for specific functions (e.g. information barriers, management controls, separate boards of directors)
- Where a committee member of the SACU is also a director or officer of a subsidiary company that person shall be required to balance the interests of both companies and suitable action taken if a conflict arises, for example, by not attending part of a committee meeting at which discussion of the subject takes place.
- The relationship between the SACU and any subsidiary interests and their activities shall be conducted with due regard to company law.

5. Declaring personal interests

5.1 Under the SACU Rules and Regulations at section 15j the SACU requires all committee members to declare their interests, and any gifts or hospitality received in connection with their role within the SACU. A Declaration of Interest form will be provided for this purpose. This form should be issued for update at the first meetings of the management committee and discipline committees following the AGM.

5.2 This form should be completed and submitted to the Company Secretary when the Annual Return for Companies House is being prepared in December and updated during the year if necessary. Information from the Conflict of Interest form will be used to establish the SACU Register of Interests.

5.3 If committee members are not sure what to declare, or whether/when a declaration needs to be updated, they are encouraged to err on the side of caution.

6. The Register of Interests

6.1 Interests will be recorded on the SACU Register of Interests, which will be maintained by the Office on behalf of the Company Secretary and updated annually.

6.2 The register is not intended as a substitute for the declaration of interest at the relevant time. An agenda item is lodged at the start of every meeting to allow members to declare a conflict with any elements of the agenda.

6.3 It is suggested that Committee members who wish to indicate a conflict or potential conflict of interest should inform the Chairman in advance of the relevant meeting or decision-making process, or draw it to the attention of the Chairman of the meeting if they become aware of a conflict during the course of discussion.

7. Data Protection

7.1 The information provided will be processed in accordance with data protection principles as set out in the **Data Protection Act 1998**. Data will be processed only to ensure that Committee members act in the best interests of the SACU.

The information provided will not be used for any other purpose.

8. What to do about a conflict of interest

8.1 If a Committee member has a conflict of interest (i.e. a personal, business or family interest in a decision being made by the board or Executive e.g. the awarding of a contract, or adoption of a particular policy) they should declare the interest at the earliest opportunity and withdraw from any discussion of the subject.

They may participate in discussions as long as the interest is declared.

Any decisions under a conflict of interest will be recorded by the Minutes Secretary and reported in the meeting minutes.

Declaration of Interests Form 1 (Director of SACU)



I _____ as a Director of the Scottish Auto Cycle Union Ltd have set out below my interests in accordance with the conflict of interest policy.

Category	<i>Please give details of the interest and whether it applies to yourself or, where appropriate, a member of your immediate family or some other close personal connection</i>
Current employment and any previous employment in which you continue to have a financial interest	
Appointments (voluntary or otherwise) e.g. trusteeships, directorships, local authority membership, tribunals, etc.	
Investments and major shareholdings in companies, partnerships and other forms of business (e.g. more than 1/100 th of the total shares)	
Gifts or hospitality offered to you in your capacity as a Director by external bodies in the last twelve months and whether this was declined or accepted	
Any other conflicts, or potential conflicts, that are not covered by the above.	
Please give any other changes to your circumstances e.g., address, occupation	

To the best of my knowledge, the above information is complete and correct. I undertake to update as necessary the information provided, and to review the accuracy of the information on an annual basis. I give my consent for it to be used for the purposes described in the conflicts of interest policy and for no other purpose.

Signed:

Date:

Declaration of Interests Form 2 (SACU Committee Member)



I _____ as a member of the SACU Committee of the Scottish Auto Cycle Union Ltd have set out below my interests in accordance with the conflict of interest policy.

Category	<i>Please give details of the interest and whether it applies to yourself or, where appropriate, a member of your immediate family or some other close personal connection</i>
Current employment and any previous employment in which you continue to have a financial interest	
Appointments (voluntary or otherwise) e.g. trusteeships, directorships, local authority membership, tribunals, etc.	
Investments and major shareholdings in companies, partnerships and other forms of business (e.g. more than 1/100 th of the total shares)	
Gifts or hospitality offered to you in your capacity as a Committee Member by external bodies in the last twelve months and whether this was declined or accepted	
Any other conflicts, or potential conflicts, that are not covered by the above.	
Please give any other changes to your circumstances e.g., address, occupation	

To the best of my knowledge, the above information is complete and correct. I undertake to update as necessary the information provided, and to review the accuracy of the information on an annual basis. I give my consent for it to be used for the purposes described in the conflicts of interest policy and for no other purpose.

Signed:

Date:

Annex 2

Scottish Governing Bodies and Sporting Organisations

Sporting Integrity – Guidance Note

A core function of all Scottish Governing Bodies (“SGBs”) and sporting organisations is to maintain, and be seen to be maintaining, the integrity of their sport.

Integrity must be upheld in order to protect the reputation - and the financial and participatory viability - of sport. Sport must take action to protect itself from the threats posed to integrity by corrupt betting and associated activity both from within and outside the sport.

A new era for sport and betting

The relationship between sport and betting has changed profoundly over recent years. The proliferation of online betting (particularly in-play betting), the growth of betting exchanges (where it is possible to “lay to lose”) and an upsurge in the availability of “novelty bets” means betting on sport is more popular and easier than ever before. Betting markets are expanding, particularly when live broadcast coverage is available.

Be prepared

Even if betting is not currently perceived to be an issue in your sport, it is vital that the sport and its participants are protected. Being proactive, rather than reactive, is essential to protect sport before any damage is done. The advice contained within this document offers initial guidance to SGBs and sporting organisations in putting rules and regulations in place and complying with the code of conduct on integrity in sports in relation to betting recommended in the Report of the *Sports Betting Integrity Panel* published in February 2010.

While this document provides guidance on the minimum standards expected of sporting governing bodies and sporting organisations in putting anti-corruption rules and regulations in place, sporting governing bodies and sporting organisations are encouraged to adopt the highest standard possible in order to reflect the risks to their sport.

There are six actions that each sport’s governing body and sporting organisation go through in order to help safeguard their sport from the threats posed to integrity by betting:

6 Step Action Plan



Action 1

Establish Rules and Regulations on Betting

SGBs and sporting organisations must have robust rules and regulations in place that reflect the risks to their sport. The rules must make it clear to participants what is and what is not acceptable in relation to betting. They must also define to whom the rules apply (i.e. who exactly is a ‘participant’?).

SGBs should ensure that they include in their rules and regulations a provision that a participant shall not use in relation to betting any inside information that is not publicly available and which has been obtained by virtue of the participant’s position within the sport, and in this respect SGBs and sporting organisations should within their rules clearly define what is meant by “inside information”. This definition should be specific to the individual sport in question, based upon the risks that have been identified, and sufficiently wide-ranging to cover all perceived eventualities. The rules should also clearly state what can be considered misuse of inside information and the sanctions that can be expected should such rules be breached.

By way of example only, the Gambling Commission uses the following definition of “inside information”: “Inside Information is information relating to the participation in, or the likely or actual outcome or development of, an event which is known by an individual as a result of their role in connection with that event and which is not in the public domain.”

Consultation with participants when developing rules is an important step to producing a framework that is workable in practice and is supported by participants. Sanctions must be sufficiently robust to act as an effective deterrent while also being proportionate for your particular sport.

The minimum rules identified in the *Report of the Sports Betting Integrity Panel into betting integrity* are set out below. They oblige a participant to:

- Not place or attempt to place a bet on a match, race or other event or competition in which he or his club participates in
- Not solicit or facilitate, or attempt to solicit or facilitate, another person to bet on a match, race or other event or competition in which he or his club participates in
- Not offer, or attempt to offer, a bribe in order to fix or contrive a result or the progress of a match, race or other event or competition in which he or his club participates in
- Not receive, or seek or attempt to receive, or seek a bribe in order to fix or contrive a result or the progress of a match, race or other event or competition in which he or his club participates in
- Report any approach or other activity which contravenes, or which may contravene, the sport’s rules on betting, co-operate with any investigation and/or request for information including the provision of documentation (e.g. telephone/betting records to officials engaged in the investigation of suspected integrity issues in the sport in relation to betting)
- Perform to the best of his ability in any match, race or other event in which he participates in.

Once rules and regulations are in place, a number of other steps should be considered. Some of these are very simple to introduce, while others are more complex and may only need to be implemented where a significant level of risk is identified.

Action 2

Designate a Responsible Person

All SGBs or sporting organisations should assign responsibility for betting integrity issues to a particular person within their organisation. Depending on the risk to your sport this may be no more than a nominal role, for example checking that your SGB or sporting organisation complies with the basic standards in *Report of the Sports Betting Integrity Panel*. As and when required, this designated person can liaise with participants, the Gambling Commission, betting operators, European/International federations and the Police.

Action 3

Integrity Unit

If the volume of betting markets in your sport is substantial, or you have identified bets that are easy to corrupt, it is recommended that you consider establishing a dedicated integrity unit. Not all sports will need to set up dedicated integrity units, but those that identify a significant level of risk to integrity from betting should look to do so.

Tennis, Cricket, Horseracing, Snooker and Darts are examples of sports that have established dedicated units. In the case of the British Horseracing Authority, their *Integrity Services, Compliance & Licensing Department* aims to identify and prevent breaches of the rules and malpractice in horseracing. This is achieved by gathering information, monitoring real-time betting markets for suspicious betting activity, conducting investigations and inspecting training establishments. It is vital that, if there is any suspicious betting activity on your sport, action is taken.

If there is reluctance on the part of the Gambling Commission or the Police to become involved, then the SGB or sporting organisation should take action by fully investigating any allegation. If it does not have the resources to carry out an investigation they should consider requesting outside assistance. In the first instance this may be by calling **sportscotland** for guidance.

Action 4

Educational Programme

It is essential that participants are fully aware of the relevant rules and regulations in their sport and in this respect participant education has a major part to play when it comes to minimising the risks to integrity posed by betting. It is recommended that, as part of your standard training programmes, you include a section on betting integrity.

If you consider your sport to be at significant risk, it is recommended that you run dedicated education programmes.

These can come in a variety of different forms but should provide face-to-face education alongside other mediums such as explanatory notes, online training, posters, cards and brochures.

For example, the *British Horseracing Authority*, *Professional Cricketers Association* and *Professional Footballers Association* each have relevant education programmes on sports betting integrity.

Another document that may be useful is the *EU Athletes Code of Conduct on Sports Betting for Players*, which sets out the guiding principles and provides general advice to all throughout Europe on the issues surrounding the integrity of sport and betting. Finally, the section on education in the *Report of the Sports Betting Integrity Panel* contains a number of recommendations on what SGBs should consider in relation to participant education.

Action 5

Competition Contracts

For those taking part in competitions there should be a requirement to sign contracts beforehand which clearly spell out their obligations with regard to betting.

For example, at the 2011 British Golf Open all players and caddies were required by the R&A to sign an agreement pledging their compliance with all the *PGA European Tour's Anti-Gaming* policies.

Action 6

Information Sharing and Data Handling

If bets are taken on your sport, as a minimum the Gambling Commission and betting operators should know whom to contact in your organisation should suspicious betting patterns be discovered.

SGBs and sporting organisations must also have systems in place to be able to securely handle sensitive data. It is also important to establish information sharing agreements and Memoranda of Understanding with betting organisations such as the Association of British Bookmakers (ABB) and betting exchanges such as Betfair and Betdaq.

Disclaimer

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