

ANTI BRIBERY AND CORRUPTION POLICY

1. POLICY STATEMENT

1.1 The Foundation takes a zero tolerance approach to bribery and corruption and will uphold all applicable laws relevant to countering bribery and corruption in all the jurisdictions in which it operates. It welcomes the international community's efforts to stamp out bribery and corruption and supports the implementation of the United Nations Anti-Corruption Convention and the Group of Twenty Anti-Corruption Action Plan. As a UK registered charity (charity no. 1088670) the Foundation remains bound by the laws of the UK, including the Bribery Act 2010 (the "Act"), in respect of its activities both at home and abroad. It undertakes due diligence on its partners, grant recipients, and associates and takes reasonable steps to ensure that they apply all applicable anti-bribery and anti-corruption laws.

1.2 The purpose of this policy is to:

- (a) set out the Foundation's responsibilities in observing and upholding its policy on bribery and corruption;
- (b) provide information and guidance to Foundation employees and partners, grant recipients and their associates on how to recognise and deal with bribery and corruption issues; and
- (c) establish standards of conduct for Foundation employees and partners, grant recipients and their associates so as to ensure that the Act is not violated.

1.3 Bribery and corruption harm legitimate business activities and are serious criminal offences. Under the Act, bribery and corruption are punishable for individuals by up to 10 years' imprisonment and if the Foundation was found to have committed an offence, it could face an unlimited fine, be excluded from tendering for public contracts, and face damage to its reputation. It therefore takes its legal responsibilities very seriously.

1.4 The Foundation considers a breach of this Policy to be a serious violation which may result in disciplinary measures, including the dismissal of employees or the termination of its business relationship with any third party.

2. WHO IS COVERED BY THE POLICY?

2.1 This policy applies directly to Foundation trustees and to all individuals working within the Foundation as employees, agents, consultants or other persons who may represent the Foundation from time to time. The policy is provided to other Foundation partners, grant recipients and associates, who will be required to take reasonable steps to ensure that in carrying out activities supported by the Foundation they and their directors, officers, employees and associates comply, with all applicable anti-bribery and anti-corruption laws.

In this policy, "third party" means any individual or organisation you come into contact with during the course of your role.

2.2 The Executive Director is responsible for ensuring that third parties who carry out activities supported by the Foundation understand the requirements of this policy.

3. WHAT IS BRIBERY AND CORRUPTION?

- 3.1 A bribe is an inducement or reward offered, promised, given or authorised, directly or indirectly, to improperly influence anyone, or to reward anyone for the improper performance of any function or activity, in order to secure or gain any commercial, contractual, regulatory or personal advantage.
- 3.2 Corruption is the misuse of public office or power for private gain or the misuse of private power in relation to business outside the realm of government.
- 3.3 Acts of bribery or corruption are intended to influence an individual in the performance of their work to act dishonestly and/or improperly. The person being bribed is usually someone who can obtain, retain or direct business for example during a tender or contracting process or it may be through the handling of administrative tasks or customs matters.
- 3.4 A bribe can take many forms, for example, a direct or indirect promise or offer of something of value, the offer or receipt of a kickback, fee, reward or other advantage, the giving of aid, donations or voting designed to exert improper influence.
- 3.5 Those engaged in bribery and corruption can include an employee, officer, trustee or director, any person acting on behalf of the Foundation i.e. agents, individuals or organisations who authorise someone else to carry out these acts, Government or public officials whether foreign or domestic.

4. GIFTS AND HOSPITALITY

- 4.1 This policy does not prohibit gifts, entertainment, hospitality or other promotional expenditures (given and received) to or from third parties which are proportionate, transparent, reasonable and for bona fide purposes related to the aims and objectives of the Foundation.
- 4.2 The giving or receipt of gifts is not prohibited if all of the following requirements are met:
 - (a) the gift complies with the laws of the recipient's country or any other applicable local laws and regulations;
 - (b) the gift is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
 - (c) the gift is given in the Foundation's name, not in your name;
 - (d) the gift does not exceed the amount of £250 in value;
 - (e) the gift cannot be viewed as lavish or excessive under local standards and customs, and is only provided as a courtesy, or token of esteem;
 - (f) the gift does not include cash or a cash equivalent (such as gift certificates, checks, or vouchers);

- (g) the gift is appropriate in the circumstances. For example, it is given as a ceremonial gift on a festival or at another special time (e.g. Christmas);
- (h) the gift is of an appropriate type and value and given at an appropriate time, taking into account the reason for the gift;
- (i) the gift is given openly, not secretly; and
- (j) the gift is not offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the Executive Director or Chairman.

4.3 The Foundation appreciates that the practice of giving business gifts varies between countries and regions and what may be normal and acceptable in one region may not be in another. The test to be applied is whether in all the circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.

4.4 Gifts with a value of more than £250 per event per person (or of comparable value in a different country)¹ should not be given or offered (to or from a single source on a single occasion) unless they have the written approval of the Executive Director or the Chairman.

4.5 All gifts and hospitality with a value of more than £250 per event per person (or of comparable value in a different country) accepted or offered by any employee or trustee should be entered on the register of gifts.

4.6 Any approval required by the above policies relating to the Executive Director must be provided by the Chairman and vice versa.

5. WHAT IS NOT ACCEPTABLE?

5.1 It is not acceptable for you (or someone on your behalf) to:

- (a) give, promise to give, offer or authorise the giving of anything of value, including payments, gifts or hospitality to anyone with the expectation or hope that this will influence the decision-making of the recipient, or that a business advantage will be received, or to reward a business advantage already given; or
- (b) give, promise to give, offer or authorise the giving of anything of value, including payments, gifts or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure; or
- (c) solicit, accept or attempt to accept, directly or indirectly, a payment from a third party that you know or suspect is offered with an expectation that the Foundation's decision making will be influenced in any way and that will result in a business advantage for the person making or offering the payment; or

¹ In deciding whether a gift is of comparable value, the relevant person should consider not only the exchange rate, but all surrounding circumstances including, but not limited to, the average income in the location where the recipient of the gift is based.

- (d) solicit, accept or attempt to accept, directly or indirectly, a gift or hospitality from a third party that you know or suspect that it is offered or provided with an expectation that the Foundation's decision making will be influenced in any way and that will result in a business advantage for the person giving the gift or hospitality; or
- (e) threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy; or
- (f) engage in any activity that might lead to a breach of this policy.

6. FACILITATION PAYMENTS

- 6.1 The Foundation does not make, and will not accept, facilitation payments or "kickbacks" of any kind. Facilitation payments are typically small, unofficial payments to government officials made to secure or expedite a routine, non-discretionary governmental action (e.g. processing a visa, customs invoice or other governmental paper). They are not prohibited and not commonly paid in the UK, but are common in some other jurisdictions.
- 6.2 If you are asked to make a payment on the Foundation's behalf, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment.

If you have any suspicions, concerns or queries regarding a payment, you should raise these with your line manager.

- 6.3 Payments made as a result of extortion or duress involving an imminent threat of death or serious injury generally do not amount to bribes. If such a payment is extorted or forced under duress then the payment may be made provided that either the Executive Director or Chairman is promptly informed, the payment is appropriately recorded in Foundation's financial records as a "facilitating payment", and supporting records regarding the reason and circumstances surrounding the payment are documented in a written report.
- 6.4 Kickbacks are typically payments made in return for a business favour or advantage. All Foundation partners, grant recipients and associates must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by the Foundation.

7. YOUR RESPONSIBILITIES

- 7.1 You must ensure that you read, understand and comply with this policy.
- 7.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Foundation or under its control. You are required to avoid any activity that might lead to, or suggest, a breach of this policy.
- 7.3 You must notify your line manager as soon as possible if you believe or suspect that a conflict with this policy or the Act by an employee or a third party has occurred, or may occur in the future. For example, if a partner, grant recipient, associate or potential partner offers you something to gain an advantage with the Foundation, or indicates to you that a gift or payment is required to secure their co-operation with Foundation supported activities.

7.4 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. The Foundation also reserves the right to terminate its contractual relationship with its partners, grant recipients, and associates if they breach this policy.

8. RECORD-KEEPING

8.1 The Foundation must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

8.2 You must declare and keep a written record of all hospitality or gifts with a value of more than £250 (or of comparable value in a different country) accepted or offered on the gifts register, which will be subject to managerial review.

8.3 You must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with the Foundation's expenses policy and specifically record the reason for the expenditure.

8.4 All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness. No accounts must be kept "off-book" to facilitate or conceal improper payments.

9. HOW TO RAISE A CONCERN

You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with the Executive Director or the Chairman. Concerns should be reported as a protected disclosure to your line manager or to a Director. Statutory protection of whistle blowers is afforded under the Public Interest Disclosure Act 1998.

10. PROTECTION

10.1 Employees who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. It is the Foundation's policy that employees will not suffer retaliation or harassment for reporting in good faith any compliance concerns. The Foundation aims to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.

10.2 The Foundation is committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Compliance Officers immediately.

11. TRAINING AND COMMUNICATION

- 11.1 All Foundation employees will receive periodic training as required on how to adhere to this policy and the Act.
- 11.2 Employees required to undergo training on this policy shall also be required to complete a periodic certification that they (a) have completed and understood the required training, (b) have complied with this policy in the past, and (c) agree to comply with this policy in the future.
- 11.3 To the extent possible and practical, such training will also be made available to other persons subject to this policy, including but not limited to, trustees, consultants and other relevant persons acting as an agent for the Foundation.
- 11.4 The Foundation's zero-tolerance approach to bribery and corruption will be communicated to all partners, grant recipients, associates, suppliers, and contractors at the outset of its relationship with them and as appropriate thereafter.

12. WHO IS RESPONSIBLE FOR THE POLICY?

- 12.1 The Board of Trustees has overall responsibility for ensuring this policy complies with the Foundation's legal and ethical obligations, and that all those under Foundation control comply with it.
- 12.2 The Director of Partnerships, for programmes questions, and the Director of Governance and Personnel for all other questions, as Compliance Officers, have primary and day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation. Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this policy and are given adequate and regular training on it.

13. RISK ASSESSMENT, MONITORING, AND REVIEW

- 13.1 As part of its annual risk assessment process the Board of Trustees will monitor the effectiveness and review the implementation of this policy, considering its suitability, adequacy and effectiveness. The Compliance Officer will carry out regular audits of the Foundation's control systems and procedures to provide assurance that they are effective in countering bribery and corruption.
- 13.2 All employees are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.
- 13.3 This policy does not form part of any employee's contract of employment and it may be amended at any time.

Adopted by the Board of Trustees
12 October 2011, updated 30 June 2016