



# ANTI-BRIBERY AND CORRUPTION POLICY

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## Policy statement

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MAMA is determined to maintain its reputation as an organisation, which will not tolerate fraud, bribery, corruption or other criminal activity, wherever it may be found in any area of its work. Charities that operate in part based on the use of grants, donations, and contributions can be especially susceptible to the attentions of potential money launderers and people wishing to engage in bribery. Furthermore our ways of working must always be transparent and remain open to the scrutiny of others. If we do fall victim to criminality, we will be open with our stakeholders.

It is our policy to conduct all of our business in an honest and ethical manner. We take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our business dealings and relationships wherever we operate and implementing and enforcing effective systems to counter bribery and corruption.

We will uphold all laws relevant to countering bribery and corruption, including the Bribery Act 2010, in respect of our conduct at home and that of our partners abroad.

## About this policy

The purpose of this policy is to:

1. Set out our responsibilities, and of those working for or with us, in observing and upholding our position on bribery and corruption; and
2. Provide information and guidance to those working for or with us on how to recognise and deal with bribery and corruption issues.

It is a criminal offence to offer, promise, give, request, or accept a bribe. Individuals found guilty can be punished by up to ten years' imprisonment and/or a fine. As an employer if we fail to prevent bribery we can face an unlimited fine, exclusion from



tendering for public contracts, and damage to our reputation. We therefore take our legal responsibilities very seriously.

In this policy, third party means any individual or organisation you come into contact with during the course of your work for us, and includes actual and potential clients, customers, suppliers, distributors, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

## **Scope of this policy and the role of MAMA**

This policy applies to all MAMA staff, volunteers and trustees.

It does not apply to employees of MAMA's implementing partners. They will be expected to adhere to their organisation's relevant policy.

## **Who is responsible for the policy?**

The Board of Trustees has responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it.

## **Definitions**

### **An advantage**

This includes money, gifts, loans, fees, hospitality, services, discounts, the award of a contract or anything else of value.

### **Bribery**

Offering, promising, giving or accepting any financial or other advantage, to induce the recipient or any other person to act improperly in the performance of their functions, or to reward them for acting improperly, or where the recipient would act improperly by accepting the advantage.

### **Corruption**

The abuse of entrusted power or position for private gain.

### **Corruption and/or Criminal activity**

Shall be read to include: Fraud, Misrepresentation of facts, Failure to disclose information, Theft, Embezzlement, Bribery of national and foreign public officials—including facilitation payments (Active and Passive), Commercial Bribery, Extortion, Collusion to obtain unfair advantage, Money laundering, Terrorist financing, Cyber crime, Obstruction of justice, Concealment of criminal activity, Other activities criminalized by state and local law, Aiding and abetting or attempting any of the conduct above.

### **Facilitation payments**



Also known as "back-handers" or "grease payments", these are typically small, unofficial payments made to secure or expedite a routine or necessary action (for example by a government official).

### Money Laundering

Used to describe how illegal (or dirty) money is made to look legal (or clean). The perpetrator finds a way to put the dirty money through a reputable party and then gets the money back. The term Money Laundering is also used for a number of offences involving the proceeds of crime or terrorist funds. It includes possessing, or in any way dealing with, or concealing, the proceeds of any crime.

### What you must not do

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

- Give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- Give or accept a gift or hospitality during any commercial negotiations or tender process, if this could be perceived as intended or likely to influence the outcome;
- Accept a payment, gift or hospitality from a third party that you know or suspect is offered with the expectation that it we will provide a business advantage for them or anyone else in return;
- Accept hospitality from a third party that is unduly lavish or extravagant under the circumstances;
- Offer or accept a gift to or from government officials or representatives, or politicians or political parties without the prior approval of a member of the Senior Leadership Team;
- Any activity that might lead to a facilitation payment or kickback being made or accepted by us or on our behalf, or that might suggest that such a payment will be made or accepted.

If you are asked to make a payment on our 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 the Treasurer.

### Gifts, hospitality and expenses

This policy allows reasonable and appropriate hospitality or entertainment given to or received from third parties, for the purposes of:

- Establishing or maintaining good business relationships;
- Improving or maintaining our image or reputation; or
- Presenting MAMA to relevant third parties such as donors or influential people with the aim of furthering our mission.



You are prohibited from accepting a gift from or giving a gift to a third party unless the following requirements are met:

- It is not made with the intention of influencing a third party to obtain or retain business;
- It is given in our name, not in your name;
- It is appropriate in the circumstances, taking account of the reason for the gift, its timing and value. For example, in the UK it is customary for small gifts to be given at Christmas; and
- It is given openly, not secretly.

Promotional gifts of low value such as branded stationery to or from existing customers, suppliers and business partners will usually be acceptable.

Reimbursing a third party's expenses, or accepting an offer to reimburse our expenses (for example, the costs of attending a business meeting) would not usually amount to bribery. However, a payment in excess of genuine and reasonable business expenses (such as the cost of an extended hotel stay) is not acceptable.

We appreciate that practice 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, hospitality or payment is reasonable and justifiable. The intention behind it should always be considered.

## **Record-keeping**

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

You must declare and keep a written record of all hospitality or gifts given or received, which will be subject to managerial review.

## **How to raise a concern**

You are encouraged to raise concerns about any issue or suspicion of bribery or corruption at the earliest possible stage.

If you are offered a bribe, or are asked to make one, or if you believe or suspect that any bribery, corruption or other breach of this policy has occurred or may occur, you must

If you are unsure about whether a particular act constitutes bribery or corruption, raise it with a Trustee.

## **Training and communication**

Training on this policy forms part of the induction process for all individuals who work for us, and regular training will be provided as necessary.



Our zero-tolerance approach to bribery and corruption will be communicated to all suppliers, contractors and business partners at the outset of our business relationship with them and as appropriate thereafter.

## Breaches of this policy

Any employee who breaches this policy will face disciplinary action, which could result in dismissal for misconduct or gross misconduct.

We may terminate our relationship with other individuals and organisations working on our behalf if they breach this policy.

## Prevention

MAMA will:

- Adopt a zero tolerance culture towards corruption and bribery, embedding this in all aspects of its work.
- Ensure that all individuals involved in MAMA's operations understand their responsibilities in relation to this policy, through employee and volunteer inductions and training, employee contracts, supplier and partner agreements etc that corruption will not be tolerated and that the organisation's policy is to investigate and seek appropriate measures, including seeking prosecution, of all perpetrators.
- Understand and uphold all the legal obligations with regard to corruption/bribery placed on them by their local laws and the expectations of funding agencies with whom they work.
- Uphold local and extra territorial laws countering corruption.
- Periodically assess the risk of exposure to corruption and bribery.
- Establish clearly defined processes and procedures, roles and responsibilities in the prevention and management of corruption and bribery that are proportionate to the risk identified. These should be understood by all members of MAMA and all external parties with which MAMA has dealings.
- Ensure that a formal Criminal Action and Response plan is in place to clarify what should happen if corruption or bribery occurs or is suspected. This should meet the standards required by MAMA's whistle blowing policy. The need for the assistance and advice of outside legal counsel should be considered during the execution of any Criminal Action and Response plan.
- Provide and promote appropriate mechanisms (e.g. through websites, agreements) for those inside ("Whistleblowing Policy" – staff, trustees and partners) and outside ("Complaints Policy") the organisation to voice their genuine concerns and protect those who do so, whilst deterring the making of malicious or unfounded accusations.
- Have in place and communicate clear disciplinary actions and sanctions to be taken against perpetrators of and collaborators in corruption or bribery. All instances of corruption should be treated as gross misconduct.



## Investigation

Where cases of suspected corruption or irregularities are discovered in an AAI operation or partner organisation, these must be promptly reported to the most senior management in the operation who should conduct an appropriate form of investigation.

All cases of suspected corruption should be investigated rigorously, promptly and appropriate action taken, regardless of the scale of the offence and whether the activity failed or was successful. Every investigation should result in a written report. In this report, management must disclose full details of their findings.

Investigations should determine:

- The extent of corrupt activities, by whom and how it was carried out
- Whether any criminal prosecution is likely or desired and how the investigation should proceed such that this end is not compromised. Local circumstances may dictate when the police are to be involved.
- The most appropriate way to recover any losses incurred by AAI
- If and how to discipline employees in order to minimise the knock on effect of that action.
- What action is to be taken to prevent reoccurrence of the corrupt activities.

## Reporting

The knowledge that corruption has been uncovered should be limited to a very few key personnel. This will increase the likelihood of full and unbiased information emerging, and prevent the untimely departure of the suspected perpetrator(s), destruction of evidence and accusations of slander.

All examples of Criminal activity must be recorded, reviewed by senior management and local boards as they arise.

Any significant cases of fraud must be reported to the MAMA Board of Trustees immediately.

Where corruption or irregularities impact funds for which there is a contractual commitment to disclose to the donor, then these should be respected.

## Corruption by Partner Organisations

Incidents of corruption/bribery by partner organisations need to be dealt with on a case-by-case basis. However, the following guidelines can be followed in almost all cases:

- A clause should be included within all partner agreements that outlines their obligations under this policy. Where required, support should be given to partners to help their implementation;



- Where criminal activity is suspected the partner should report the matter to MAMA's Chairperson;
- Further funding to the Partner should be ceased as soon as fraud is established until the matter has been resolved to MAMA's satisfaction;
- Carry out an investigation as appropriate either independently or with partner staff;
- Demand that the organization takes appropriate action against the perpetrators;
- Make efforts to recover the money that has been misappropriated;
- Re-assess the relationship with the partner organization and terminate if it cannot be salvaged;
- If the relationship is to continue, ensure that sufficient action has been taken to address control weaknesses that allowed the corruption to occur. This may involve building the capacity of the partner organization.

## Recovery of Losses

Recovery of all losses should be actively pursued. Should the costs of doing so significantly exceed the amounts that are likely to be recovered, the Chairperson has the discretion not to take this action.

## Safety of personnel

Payments to facilitate work are considered as bribery under this policy and therefore are prohibited. Under the Foreign Corrupt Practices Act (FCPA) there is a narrow exception for facilitation payments where personal safety is threatened, if payment of a bribe is the only way that their safety could be guaranteed. However:

- Management should be made aware of any life threatening situation occurrence as soon as possible;
- Through robust security procedures, MAMA must minimise the likelihood of such circumstances arising;
- MAMA will not pay a ransom (cash or kind) in exchange of staff's release as this may increase the risk of more such attempts against MAMA staff.

MAMA staff, volunteers and trustees will:

- Report any suspicious criminal activity to the Chairperson or a Trustee.
- Not assist in the criminal activities by acquiring, concealing, disguising, retaining or using the proceeds of crime.
- Not prejudice an on-going investigation.
- Not contact any person who has been suspected of, and reported for, possible criminal activities in such a way as to make them aware of the suspicion or report ("tipping off").

*Date approved by MAMA Board of Trustees: 30/07/2019*

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