



ANTI-BRIBERY AND CORRUPTION POLICY

Approved by EC:	24 September 2013
Reviewed and Approved by EC:	24 June 2015
Next Review Date by EC:	June 2018
Person Responsible:	Head of Finance

((This policy will be reviewed as per the regulatory and legal requirements as and when required))

1. Introduction

It is Muslim Aid's policy to conduct all business in an honest and ethical manner. Muslim Aid has a zero-tolerance approach to bribery and corruption in any form, recognising that these are contrary to fundamental values of Islam and is committed to acting professionally, fairly and with integrity in all its business dealings and relationships wherever Muslim Aid operates, implementing and enforcing effective systems to counter bribery and corruption.

Muslim Aid will uphold all laws relevant to countering bribery and corruption in all jurisdictions in which it operates. However, Muslim Aid remains bound by the laws of the UK, including the Bribery Act 2010, in regard to its conduct both at home and abroad.

Muslim Aid aims to reduce bribery and corruption to the absolute minimum and put in place arrangements to hold bribery and corruption at a minimum level permanently. This will enable Muslim Aid to target more resources to the causes it champions across the globe. Muslim Aid's approach to countering bribery and corruption will be professional, comprehensive, fair, balanced, cost effective and inclusive; Muslim Aid's aim is to involve all Trustees and Partners in this approach.

It is the responsibility of all staff to report any reasonable suspicions of bribery and corruption. It is also Muslim Aid's policy that an employee should not suffer as a result of reporting reasonably held suspicions, and there must be no unlawful recrimination on any grounds. Staff are encouraged to raise concerns under Muslim Aid's Whistle blowing and Raising Concerns Policy.

2. Scope

This Policy applies to all staff, volunteers and Trustees at Muslim Aid. This Policy is available electronically on Muslim Aid's Intranet or available upon request from the Human Resources Department. It is also applicable to third parties such as donors, beneficiaries, contractors, suppliers and partners when engaging with Muslim Aid. Failure to adhere to this Policy may lead disciplinary action under Muslim Aid's Disciplinary Policy and/or consideration of criminal and/or civil proceedings, if appropriate.

3. Definition

Bribery is a financial or other advantage in connection with the "improper performance" of a position of trust, or a function that is expected to be performed impartially or in good faith. Bribery does not have to involve cash or an actual payment exchanging hands and can take many forms such as a gift (i.e., lavish treatment during a business trip or tickets to an event).

Bribery does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.

4. Bribery Act 2010

The Bribery Act 2010 provides the four main offences:

- Giving or offering a bribe
- Receiving or requesting a bribe
- Bribing a foreign public official
- Negligently failing to prevent a bribe (*corporate offence*)

Under the Bribery Act an offence has been committed even if **no** money or goods have been exchanged.

In the UK, if found guilty of bribery, the guilty person may be imprisoned for up to 10 years and can receive unlimited fines. Outside of the UK, sentences may vary significantly.

The section 7 offence of 'negligently failing to prevent a bribe' is a corporate offence. Essentially, should bribery be proven to have occurred at Muslim Aid, and Muslim Aid is unable to demonstrate that measures were in place to prevent bribery from occurring, then the Trustees may be found guilty of the section 7 offences and receive a 10 year's imprisonment, unlimited fines and face reputational damage.

In order to avoid prosecution under section 7 of the Bribery Act, Muslim Aid needs to demonstrate that it has implemented the six adequate procedures as defined by the Ministry of Justice. They are as follows:

- **Proportionate procedures** - Clear, practical, accessible, properly implemented and enforced
- **Top-level commitment** - Take responsibility at the board level for bribery prevention.
- **Risk assessment** - Consider both internal and external risks
- **Due diligence** - Know who your donors and partners are.
- **Communication** - Embedded policies and procedures
- **Monitoring and review** - Evaluate the effectiveness of current bribery prevention procedures

5. Reporting Bribery and Corruption

Should you have any suspicions of bribery and corruption, please do not hesitate to report your concerns to the following:

The Head of Risk and Internal Audit

You should report all suspicions of bribery and corruption to the Head of Risk and Internal Audit using the Bribery Referral Form (see *Appendix 1*) as the first point of contact. Remember, do not report any instances of bribery and corruption to your line manager or other staff as you do not know if they are implicated.

Use Muslim Aid's Whistle blowing/Reporting Concerns Policy and Procedures

If you do not wish to report the matter directly to the Head of Risk and Internal Audit and which to remain anonymous, please refer to Muslim Aid's Whistle blowing Policy and Procedures which will provide details of how you can report your concerns in confidence.

Charity Commission

You can report your concerns directly to the Charity Commission by making a serious incident report. It is strongly advised that advice is sought from the Head of Risk and Internal Audit before contacting the Charity Commission.

Police/Action Fraud

As *per* page 7 of the 'Charity Commission's Reporting Serious Incidents - guidance for trustees', all instances of suspect bribery and corruption should be reported by the Trustees directly to the police *via* Action Fraud - <http://www.actionbriberyandcorruption.police.uk/>. N.B. staff should not report matters *via* Action Fraud themselves without first reporting and discussing the issue with the Head of Risk and Internal Audit.

The following is guidance for individuals who suspect bribery and corruption:

Do:

- Stay calm – remember you are a witness not a complainant
- Write down your concerns immediately – make a note of all relevant details such as what was said in 'phone or other conversations, the date, the time and the names of anyone involved
- Do report your concerns to the Head of Risk and Internal Audit as soon as possible, as any delay may cause the charity to suffer further financial loss. We encourage you to raise your concerns - the Public Interest Disclosure Act 1998 protects employees who have reasonable concerns. You will not suffer discrimination or victimisation by following the correct procedures.

Don't:

- Do not investigate the matter yourself. Attempting to gather evidence yourself (unless it is about to be destroyed) may result in it becoming inadmissible and prejudice any criminal investigation. The gathering of evidence must be done in line with legal requirements in order for it to be admissible in court.
- Do not approach the person involved (this may lead to him/her destroying evidence)
- Do not tell you line manager
- Do not discuss your suspicions or with anyone other than those persons referred to above unless specifically asked to do so by them. Confronting the suspect or conveying concerns to anyone other than those authorised, could the suspect or lead to an innocent person being unjustly accused
- Do not use the process to pursue a personal grievance
- Don't do nothing!

Remember:

- You may be mistaken or there may be an innocent or good explanation – this will come out in the investigation
- The process may be complex and protracted. Investigations are carried out in confidence on a need to know basis. You will be updated as and when it is appropriate to do so; do not be alarmed if you have not heard anything from the investigators.

6. Code of Conduct

Muslim Aid staff must at all times observe the highest standards of:

- fairness
- integrity
- honesty
- objectivity
- openness
- accountability
- selflessness
- sensitivity to other cultures

- sensitivity to individual encumbrances
- adherence to modest and respectful dress at all times.

For further information, Muslim Aid's Code of Conduct Policy provides guidance to staff on how to ensure that their actions and behaviour are consistent with both Muslim Aid values and the high standards of conduct required to maintain donor confidence in the work of Muslim Aid.

7. Monitoring

Monitoring the effectiveness of this policy is the responsibility of the Head of Risk and Internal Audit and will be considered in the routine reporting of all matters relating to counter bribery and corruption, risk of bribery and corruption and actual bribery and corruption to the Audit Committee.

8. Related Policies

This Policy is linked to the following policies:

- Guideline Fraud Response Plan
- Anti-Fraud Policy
- Anti-Money Laundering and Anti-Terrorist Financing Policy
- Due Diligence Policy and Procedures
- Financial policy and procedure
- Risk Assessment Policy and Procedure
- Whistle blowing/Raising Concerns Policy

Appendix 1:

Bribery and Corruption Referral Form - Please Return this form to the Head of Internal Audit

<u>Referral From:</u>	
Name	<input type="text"/>
Job Title	<input type="text"/>
Telephone	<input type="text"/>
Email	<input type="text"/>

<u>This Alleged Bribery or Corruption Relates to:</u>	
Name(s)	<input type="text"/>
Job Title(s)	<input type="text"/>
Suspicion	<input type="text"/>
Details	<p>I.e. what has happened (is it still happening)? Who is involved? Dates/times? Is there any evidence and if so, where is it? Please provide as much detail as possible and feel free to use additional pages.</p> <input type="text"/>

Please attach any additional information	
Signed.....	Date.....
Return this referral form to the Head of Risk and Internal Audit	

