

## **Friends of Kipkelion Charitable Trust Anti-Bribery and Corruption Policy**

### **1.0 FRIENDS OF KIPKELION'S COMMITMENT**

The Friends of Kipkelion Charitable Trust is committed to operating with the highest standards of integrity and promoting a culture in which accountability flourishes. We oppose bribery as it erodes free and fair competition, damages good government and harms society at large. We operate a zero-tolerance policy towards the giving or receiving of bribes because it is morally wrong and because it is illegal in the UK.

#### **1.1 Aim**

This policy outlines the measures which Friends of Kipkelion takes to prevent bribery and the procedures that should be followed if bribery occurs. It also helps the organisation to minimise any operational or reputational risks associated with individuals giving or taking bribes on its behalf and, thereby, to establish a defence under section 7 of the UK's Bribery Act 2010 (the "Bribery Act").

#### **1.2 Scope**

This policy applies to all employees, volunteers, trustees, agents and service suppliers working with Friends of Kipkelion.

### **2.0 DEFINITIONS**

#### **2.1 Bribery**

Bribery is the offering, promising, giving, accepting or soliciting of money, a gift or other advantage as an inducement to do something that is illegal or a breach of trust in the course of carrying out an organisation's activities.

Examples of bribery may include:

- ☐ a potential supplier offering money or a gift in order to influence a tendering process
- ☐ a job applicant offering to pay someone to increase his/her chance of being offer employment
- ☐ offering a gift (eg excessive hospitality) to a local government planner in return for approval of a development application
- ☐ offering payment to a government official in order to speed up or complete a process they are otherwise required to perform such as border/immigration control.

It is illegal to give or receive a bribe under the Bribery Act, and an organisation is liable for bribes taken or given on its behalf where it does not have adequate procedures in place.

#### **2.2 Facilitation payments**

Facilitation payments are payments which induce officials to perform routine functions they are otherwise obligated to perform. Facilitation payments are bribes and there is no exemption for them under the Bribery Act. Facilitation payments do not include legally required administrative fees and legitimate fast-track services.

#### **2.3 Gifts and hospitality**

These can range from small gifts (such as diaries) to expensive hospitality (tickets for major events, holidays etc). Hospitality or promotional expenditure which is proportionate and reasonable to demonstrating goods or services or reflecting good relations is unlikely to qualify as a bribe. However extravagant gifts and hospitality may be used to disguise bribes that are intended to induce improper behaviour (eg to fix the outcome of a tendering process).

### **3.0 RESPONSIBILITIES**

Friends of Kipkelion requires all individuals across the organisation to take a proactive role in applying the organisation's anti-bribery policy and practice.

#### **3.1 Trustees**

The trustees will provide leadership, resources and active support for the implementation of this policy. They are responsible for ensuring that this policy and any associated policies are fit for purpose and are complied with.

#### **3.2 Chairman**

The Chairman is responsible for ensuring that these policies and procedures are implemented consistently and with clear lines of authority. The Chairman will actively and visibly lead the organisation's anti-bribery policy and practice.

#### **3.3 Individuals**

Individuals working with Friends of Kipkelion are responsible for not giving or receiving bribes and for challenging instances where bribery may occur. They are also responsible for reporting all bribery that they are aware of via the procedures laid out in this policy.

### **4.0 BRIBERY PREVENTION**

#### **4.1 Top level commitment**

Friends of Kipkelion is committed to tackling bribery at the highest level. Friends of Kipkelion clearly articulates its zero-tolerance policy on bribery in all public statements.

#### **4.2 Risk assessment**

The trustees risk assess the organisation annually in consultation with volunteers, and review the risks presented by bribery as part of this.

We recognise that the threat of bribery varies across countries, areas of work, partners and transactions and that our organisation must respond proportionately to those risks. Therefore projects which involve working with partners or overseas are individually risk assessed, in addition to the annual organisational risk assessment.

#### **4.3 Due diligence**

##### **4.3.1 Recruitment**

Friends of Kipkelion recognises that good anti-bribery practice starts from the outset of employing an individual. It therefore:

- ☐ requires a commitment to preventing bribery in all personal specifications for job vacancies
- ☐ includes a question to evidence the candidate's commitment to preventing bribery in all job interviews
- ☐ ensures that all employment contracts prohibit the giving or receiving of bribes on our behalf

In addition, a thorough programme of staff communication and training is provided (see 4.4).

##### **4.3.2 Working overseas**

Staff managing projects or working overseas receive anti-bribery training before they begin assignments (see 4.4). Managers must assess and manage the risks associated with working in specific countries or sectors before assignments start (see 4.2).

### **4.3.3 Working with service suppliers and in partnerships**

Friends of Kipkelion is liable under the Bribery Act if a person “associated” with it bribes another person with the intention of obtaining or retaining business or a business advantage for Friends of Kipkelion. The Act’s definition of an associate is deliberately broad to include individuals, incorporated and unincorporated bodies supplying either goods or services to us, or acting on our behalf as a partner or agent.

We require all individuals engaging suppliers of services and working with partners on our behalf to ensure that:

- ☐ service suppliers and partners are selected through a transparent and competitive selection process.
- ☐ due diligence is carried out on partners and suppliers before entering into contracts
- ☐ all partners and suppliers are briefed on our anti-bribery policy and provided with a copy to brief their own staff
- ☐ contractual agreements explicitly prohibit the giving or receiving of bribes on behalf of Friends of Kipkelion.

### **4.3.4 Charitable and political donations**

A political contribution is a donation made to a politician, a political party or a political campaign. Charities are not permitted to make political donations and therefore political donations are not permitted by or on behalf of Friends of Kipkelion.

Staff should ensure that any donation received or made by Friends of Kipkelion is not an incentive to conduct its activities improperly.

## **4.4 Communication**

All staff, volunteers and suppliers must understand and comply with Friends of Kipkelion’s anti-bribery policy. To ensure that this is communicated, Friends of Kipkelion:

- ☐ publishes this policy on its website
- ☐ revises and publishes its code of conduct to explicitly forbid the giving or receiving of bribes and ensures that individuals sign up to this annually
- ☐ briefs all staff and volunteers on its anti-bribery policy, as part of the organisation’s induction as a minimum
- ☐ provides anti-bribery training to all trustees, individuals working overseas, individuals working with government bodies and individuals leading contracts

## **5.0 PROCEDURES**

### **5.1 What our people should do if they are offered or asked for a bribe**

Individuals should reject demands for or offers of bribes and Friends of Kipkelion’s anti-bribery stance should be made clear.

The only circumstance where payment might not necessarily be avoided is when health and security is seriously at risk. Managers should plan their operations and have security procedures to reduce the risk of payments being requested under duress.

## **5.2 Where bribery is suspected or where it occurs**

To enable proper investigation, staff should record the details of any bribery or requested or attempted bribery, as soon as possible after the event. Any instances of actual or potential bribery should be properly and promptly investigated by the Chairman.

The objectives of an investigation should be to:

- ☒ Confirm whether or not a bribe has taken place, and to identify who was responsible.
- ☒ Confirm whether internal controls and anti-bribery procedures have worked in practice.
- ☒ Identify any improvements required to anti-bribery procedures.

Depending on the findings of the investigation, subsequent action will be determined. This may involve disciplinary action against individuals involved or external reporting to:

- ☒ A senior official or director of another organisation, if the person making the bribe is from that organisation
- ☒ Local police/ law enforcement agencies (if deemed appropriate)
- ☒ Serious Fraud Office (which in the UK has primary responsibility for the UK Bribery Act)
- ☒ The relevant government department in the jurisdiction where the bribe took place
- ☒ The Charity Commission, if the matter is considered a “serious incident”
- ☒ Transparency International UK

## **6.0 MONITORING AND REVIEW**

This policy will be reviewed annually or after a significant change in operations or a significant incident, whichever is sooner.

Michael Deriaz, Chairman

10 June 2014

Reviewed by the Trustees – 31 August 2016