

# Malaria Consortium

## Anti-Bribery Policy



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## 1. Purpose and context

Malaria Consortium values its reputation for ethical behaviour, and is committed to maintaining it, which means avoiding corruption of all kinds, including bribery. The purpose of this anti-bribery policy is to maintain the confidence and support from donors, partners and the wider public. A charity accused, or convicted, of bribery offences may find that this could jeopardise future funding and contracts, and compromise its credibility and reputation. Malaria Consortium through this policy makes it clear that it will not tolerate bribery and corruption and will benefit from having a reputation for operating in an open and transparent way.

This policy:

1. provides information and guidance to those working for us on how to recognise, deal with and counter bribery.
2. sets out the responsibilities of staff in observing and upholding our zero-tolerance approach to bribery; and

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.

## 2. Principles

- We are committed to implementing and enforcing effective systems to counter bribery.
- We will conduct our work in an honest and ethical manner and are committed to ensuring that our employees act professionally, fairly and with integrity in all business dealings and relationships
- We take a zero-tolerance approach to bribery

## 3. What is bribery?

In the United Kingdom, the Bribery Act 2010 (which came into effect in July 2011), legislates for antibribery and corruption offences and applies to UK organisations across all countries in which they work.

Bribery is offering, promising, giving or accepting any financial or other advantage:

1. to encourage or induce the recipient or any other person to act improperly in the performance of their functions;
2. to reward them for acting improperly; or

3. where acceptance of the advantage itself constitutes improper performance of the recipient's functions or actions.

It also means asking for or agreeing to accept a bribe.

Bribes can be given or received, promised or expected, financial or in-kind, and can be of any size. Examples include money, gifts, loans, fees, hospitality services, discounts, the award of a contract or anything else of value.

A person acts "improperly" if they act illegally, unethically or contrary to an expectation of good faith or impartiality, or where they abuse a position of trust. The improper acts may be in relation to any charitable or professional activities, public functions, acts in the course of employment, or other activities by or on behalf of Malaria Consortium.

Under the UK Bribery Act 2010, bribery offences are split into the following four categories:

1. offering, promising or giving a bribe
2. requesting, agreeing to receive or accepting a bribe;
3. bribing a foreign public official or another person; and
4. failure of a commercial organisation to prevent bribery (strict liability offence).

## 4. Gifts and hospitality

This policy does not prohibit the giving and receiving of promotional gifts of low value and normal and appropriate hospitality, provided that gifts or hospitality is not offered or given with the intention of persuading anyone to act improperly or to influence a public official in the performance of their duties. Gifts of up to GBP 10.00 can be accepted and hospitality of up to GB 50.00 provided this is approved by the Country Finance Manager, or Country Director where it is the Country Finance Manager, and recorded on the country Gifts and Hospitality Register. Items of truly negligible value such as paper calendars and pens are usually acceptable and do not have to be declared to the Country Finance Manager. However, if you are in doubt, we invite you to check with the Country Finance Manager or Finance Director before accepting the gift.

The limits above apply per person, meaning that a gift (such as a box of chocolates) that has a value over GBP 10.00 but that is shared among staff to bring the value per person to GBP 10.00 or less, is considered acceptable.

Malaria Consortium does not give out gifts, and therefore staff are prohibited from giving gifts. However, on a project specific basis, low cost incentives to voluntary workers, may be acceptable if they are within the original project and its budget (as agreed with the donor) and approved by the Country Finance Manager.

We appreciate that gifts and hospitality practices vary between countries and regions and what may be considered 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 it should always be considered.

The Gifts and Hospitality Register will be accessible by the Country Director, internal and external auditors, and to regional and HQ staff performing checks when visiting the country.

## 5. Facilitation payments and kickbacks

Malaria Consortium does not make, and will not accept, facilitation payments or “kickbacks” of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a service such as routine governmental procedure or duty (for example by the action of a government official clearing goods or persons through customs). Facilitation payments to induce officials to perform routine functions they are otherwise obligated to perform, are bribes. There was no exemption for such payments under the Bribery Act.

All staff must avoid any activity that may lead to, or suggest, that a facilitation payment or kickback will be made or accepted by or on behalf of Malaria Consortium.

If you are asked to make a payment on behalf of Malaria Consortium, 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. You can continue to pay for legally required administrative fees or fast-track services. These are not facilitation payments.

If you have any suspicions, concerns or queries regarding a payment, you should raise these with the Internal Audit Manager.

## 6. Due diligence on suppliers

You only have to think about doing due diligence on persons who will actually perform services for you, or on your behalf. Someone who simply supplies goods to you is unlikely to do that. It is very unlikely, therefore, that you will need to consider doing due diligence on persons further down a supply chain.

Where you decide to undertake due diligence, how much you need to do will depend on your risk assessment. If you assess the risk as low then all you may need to do is satisfy yourself that people performing services for you (for example, an agent) are genuine and someone you can trust to do your business without bribing. You could do this by making enquiries with business contacts, local chambers of commerce or business associations or via the internet for example.

Where you think the risks are higher, then you may need to do more. You might ask your agent for a CV, financial statements or accounts, and other references. You might then follow those up to ensure they are genuine. The aim is to satisfy yourself that the person that is to represent your organisation can be trusted not to use bribery on your behalf. Personal contact, allowing you to assess the person for yourself, can be very helpful.

## 7. Donations

Malaria Consortium does not make contributions of any kind to political parties.

## 8. Situations under duress

The personal security and safety of our Staff is our priority. Sometimes, facilitation payments or bribes are demanded under duress, and must be paid in order to protect against loss of life, limb or liberty. The Ministry of Justice Guidance for the Bribery Act 2010 recognises this, and states that where such

payments are made, the common law defence of duress could be available, if the individual faces prosecution at all.

Instances of duress necessitating a facilitation payment are rare. If such a situation does arise, it must be reported to management in line with the Incident Reporting under the Risk Management Policy.

Such situations and payments being repeated, systemic or accepted as part of the way of doing business are not situations under duress, but bribes, therefore a contravention of this policy.

## 9. Record keeping

Malaria Consortium will keep financial records and ensure appropriate internal controls are in place to ensure there is an evidence trail for any payments made to third parties and in order to prevent corrupt payments from taking place.

All expense claims relating to hospitality and gifts given to third parties must be authorised and submitted in accordance with Malaria Consortium's Finance Manual and must record the reason for the expenditure.

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

## 10. Monitoring

The effectiveness of this policy will be regularly reviewed by the Board of Trustees. Relevant internal control systems and procedures will be subject to audit under the internal audit process.

## 11. Implementing the policy

On joining the organisation or working with the organisation, all employees, interns, volunteers, trustees, and will receive training on this anti-bribery policy as part of their induction. They will be asked to sign that they have read, understood and agree to abide by its content. All other staff will be informed through their contractual arrangements at the time of contracting with Malaria Consortium.

Staff based outside of the United Kingdom will have this policy communicated to them by the appropriate Country Director. Staff within the United Kingdom will have this policy communicated to them by the UK Finance Team as part of the Finance Induction. This policy applies to all persons working for us or on our behalf in any capacity, including employees, officers, consultants, contractors, partners, suppliers, interns, trustees, volunteers, third party representatives, business partners, sponsors, or any other person or organisation providing services to Malaria Consortium whether paid or unpaid (together, the "staff"), wherever located.

This policy does not form part of any member of staff's contract of engagement or employment and we may amend it from time to time.

## 12. Your responsibilities

You must ensure that you read, understand and comply with this policy.

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for Malaria Consortium or under its control. You are required to avoid any activity that might lead to, or suggest, a breach of this policy.

You should notify your manager as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future. For example, if a client or potential client offers you something to gain a business advantage with us, or indicates to you that a gift or payment is required to secure their business.

### **13. How to raise a concern**

You are encouraged to raise concerns about any issue or suspicion of bribery 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 or other breach of this policy has occurred or may occur, you should report it to your line manager if possible or in accordance with our Whistleblowing Policy as soon as possible.

We are committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery 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 HR Director immediately. If the matter is not remedied, and you are an employee, you should raise it formally using the Grievance Procedure.

### **14. Breaching this policy**

Each of the bribery offences under the UK Bribery Act 2010 are criminal offences. 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.

Any internal staff member (such as employees, interns, volunteers or trustees) who breaches this policy will be investigated under Malaria Consortium's disciplinary policy, and will face disciplinary action, which could result in dismissal for gross misconduct.

We will terminate our relationship and any contracts with, and seek financial compensation from, any other staff or staff organisation (such as contractors or partners) if they breach this policy. All business dealings will cease and the activity will be reported to the authorities.

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