

TITLE	ANTI-BRIBERY POLICY & PROCEDURE		
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POLICY OWNER	ALISON MORTLOCK, GOVERNANCE & RISK MANAGER	AUTHORISED BY	SMT

PURPOSE

To ensure that, in accordance with its commitment to working in a manner that is ethical, legal and consistent with its values and mission, and in line with the Bribery Act 2010, Fauna & Flora International (FFI) practices a zero-tolerance approach to bribery and corruption

SCOPE – THIS POLICY APPLIES TO:

Members of Council, FFI employees, volunteers/interns and to consultants, contractors, partner organisations and their employees or any other person or body associated with FFI and performing services on behalf of FFI.*

BACKGROUND

Under the UK Bribery Act 2010, it is illegal for UK Charities to indulge in bribery or corruption anywhere in the world. The onus is on FFI to implement adequate procedures to prevent such acts by individuals working for or on our behalf.

FFI recognises that many of our employees and partner organisations work in challenging, insecure environments and we would not expect anyone to risk life, limb or freedom to uphold this policy (note that threat to life, limb or freedom to undertake a bribe would be considered extortion and is illegal under a different Act). However, the Bribery Act 2010 is far-reaching and the following persons/entities can be prosecuted:

- any British citizen or “person with a close connection to the UK” giving or receiving a bribe anywhere in the world (see [Glossary](#) for a fuller definition of a “person with a close connection to the UK”);
- an organisation which engages in commercial activity (note that commercial activity includes the activity of NGOs) in the UK; and
- Senior Officers (see [Glossary](#)) within an organisation, if it can be shown that an offence was committed with their consent or connivance.

The penalties for committing a crime under the Act are:

- Unlimited fine on an organisation or individual
- Up to 10 year prison sentence for an individual (including Senior Officers if the consent or connivance is proved)

**Wherever ‘FFI employees’ are referred to in this document, this includes all those included above in the scope of this policy*



POLICY STATEMENT

FFI is committed to fostering an organisational culture in which bribery is never acceptable. In accordance with the Bribery Act 2010, FFI understands bribery to mean:

- 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;
- inducing a person to perform improperly a relevant function or activity;
- rewarding a person for the improper performance of such a function or activity.

The above includes "facilitation payments", for example an extra fee to a border official or a sitting payment for attendance of officials at meetings. (See [Glossary](#) for definitions.)

FFI will implement Anti-Bribery Procedures which will include:

- ensuring that all those covered by the scope of FFI's Anti-Bribery Policy understand the definition of bribery (see above) and the meaning of its "zero-tolerance" stance towards bribery and corruption within their day to day activities;
- identifying high risk areas for the organisation with relation to bribery and ensuring appropriate mitigation is in place;
- undertaking appropriate due diligence in respect of third parties associated with or performing services on behalf of FFI;
- monitoring and reviewing such procedures at the most senior levels of the organisation within the reporting framework of FFI's Risk Register;
- providing appropriate protection for "whistleblowers" (see [Whistleblowing Policy & Procedure](#)) and thoroughly investigating any allegations of bribery; and
- addressing instances of bribery or corruption of any kind whenever or wherever they occur in association with FFI.

PROCEDURES

These procedures cover bribery in relation to the following areas:

1. Direct payments
2. Facilitation payments
3. Payments under duress
4. Gifts and hospitality
5. Partners
6. Suppliers, contractors and other third parties
7. Procurement
8. Political donations

Please note that FFI employees who accept a bribe or take part in an act of bribery may be subject to disciplinary action and may be reported to the relevant authorities by FFI.



1. DIRECT PAYMENTS

FFI has a zero-tolerance approach to making or receiving direct payments to induce improper or illegal behaviour. If you are invited or encouraged to give or receive a bribe you should:

- state that FFI UK operates a zero-tolerance policy towards bribery and that therefore you cannot participate in the bribe offered;
- if pressure is exerted, restate the case with reference to the UK Bribery Act 2010 confirming that you and FFI face the risk of prosecution;
- report the offering of a bribe to the Governance Team (see [Reporting](#)) who will keep a log of reports of bribery so that FFI can continue to monitor and mitigate the risks faced in undertaking its activities and where appropriate provide more substantial guidance in resisting bribes.

2. FACILITATION PAYMENTS

FFI has a zero-tolerance approach to making or receiving facilitation payments (see [Glossary](#)). If you are invited to make or receive a facilitation payment you should:

- state that FFI UK operates a zero-tolerance policy towards bribery and that therefore you cannot participate in the bribe offered;
- if pressure is exerted restate the case with reference to the UK Bribery Act 2010 confirming that you and FFI face the risk of prosecution;
- report the offering of a bribe to the Governance Team (see [Reporting](#)) who will keep a log of reports of bribery so that FFI can continue to monitor and mitigate the risks faced in undertaking its activities and where appropriate provide more substantial guidance in resisting bribes.

3. PAYMENTS UNDER DURESS

FFI remains mindful of the personal risk faced by employees in undertaking its work and aims to mitigate, to the fullest extent possible, against the risk of employees being forced to make payments under duress. To mitigate against such risks each programme should therefore undertake the following:

- a risk assessment which addresses the likelihood of being forced to make a payment under duress (ideally a risk register listing the risks identified should be maintained);
- an assessment of how each risk can be realistically mitigated if possible (for example, avoiding particularly troublesome border crossing points, allowing more time at customs or borders, and remaining knowledgeable regarding current local law can often allow better resistance to a bribe).

Should the payment of a bribe be critical to personal safety, the following procedure should be followed:

- pay the bribe needed to allow for personal safety to be maintained;
- when back in a safe environment report the incident to the Governance Team (see [Reporting](#)) who will keep a log of such reports so that FFI can continue to monitor and mitigate the risks faced in undertaking its activities and where appropriate provide more substantial guidance in resisting bribes and protecting employee's personal safety while undertaking FFI activity; and
- discuss with the Governance Team whether this incidence should be reported to an appropriate body and undertake the reporting as agreed.



4. GIFTS, HOSPITALITY AND ENTERTAINMENT

FFI has a zero-tolerance approach to making or receiving gifts and hospitality (see [Glossary](#)) to induce improper or illegal behaviour. If you are offered a gift or hospitality and you believe that it is intended to induce such behaviour, it should be refused stating that it is not in accordance with FFI's Anti-Bribery Policy, with an explanation of the reasons if appropriate. All such offers should then be reported to the Governance Team (see [Reporting](#)) who will keep a log of gifts and hospitality offered to FFI employees in such circumstances.

If a gift or hospitality is offered and it is reasonably understood that no improper conduct is intended, the recipient must abide by the following rules:

- A gift or hospitality may be accepted when:
 - the value is low (for gifts, a general guideline would be under £25 (US\$40), for hospitality the test is one of reasonableness);
 - the acceptance of the gift does not improperly influence any decision-making; and
 - to refuse to accept the gift or hospitality would cause offence.

Note that cash gifts cannot be accepted by FFI employees.

- If you do accept a gift or hospitality, the following procedure should be followed:
 - Where practical, gifts should be placed in a common area so that FFI can benefit from them. If this is not practicable, low value gifts may be retained.
 - If the gift is not one of low value and it is not practical for it to be shared by the organisation, it should be handed to the HR department (if in the UK), or the Country Manager (if elsewhere), who will deal with the gift in accordance with FFI policy.

For further information on the receipt of gifts and hospitality and for the rules regarding when gifts and hospitality may be offered, FFI employees should refer to the Entertainment and Gifts section of FFI's [Expenses Policy and Procedure](#).

5. PARTNER ORGANISATIONS

FFI's Anti-Bribery Policy extends to all partner organisations that FFI works with. Before entering into partnerships (and for partnerships already existing at the time of this policy) the following should be undertaken:

- The Programme leading the partner relationship should ensure that FFI's Anti-Bribery Policy and zero-tolerance approach is communicated appropriately to the partner organisation and their staff.
- Appropriate due diligence should be conducted before entering into partnerships. This should involve seeking information about partner's controls, including their Anti-Bribery policies and procedures. Guidance should be sought from the Finance and Governance teams (FFI UK, Cambridge) regarding the practicalities of conducting this due diligence.
- MoUs and sub-grant agreements should always incorporate appropriate anti-bribery clauses.
- If the partner organisation is found to be involved with practices that contravene this Anti-Bribery Policy this must be reported to the Governance Team for immediate action.



6. SUPPLIERS, CONTRACTORS AND OTHER THIRD PARTIES

FFI's Anti-Bribery Policy and zero-tolerance approach should be communicated to suppliers, contractors and other third parties. Before entering contracting arrangements with such parties, the risk of bribery should be assessed and appropriate due diligence should be conducted.

The Programme undertaking the contracting arrangements should ensure that the appropriate level of due diligence has been undertaken and should seek guidance from the Governance and Finance teams (FFI UK, Cambridge) where appropriate.

Written contracts with suppliers, contractors and other third parties should incorporate appropriate anti-bribery clauses.

If the supplier, contractor or third party is found to be involved with practices that contravene this Anti-Bribery Policy, this must be reported to the Governance Team for immediate action.

7. PROCUREMENT

FFI employees must undertake procurement in accordance with FFI's [Procurement, Purchasing & Consultancy \(Contracts for Services\) Policy & Procedure](#). In addition, those undertaking procurement should be aware of the risk of bribery or corruption during these procedures and maintain a zero-tolerance approach. FFI's Anti-Bribery Policy should be communicated to those we are inviting to tender for providing services to FFI.

If potential suppliers do attempt to contravene FFI's Anti-Bribery Policy, their services should not be procured by FFI. The Governance Team should also be informed of the incident for it to be logged.

8. POLITICAL DONATIONS

Note that in the UK, Charities cannot make donations to political parties. As FFI is a UK registered Charity, political donations are prohibited across all of FFI and its registered overseas offices. Please refer to the [Charities Commission guidance](#) which states this as a fundamental principle of Charity Law.

CONFLICTS OF INTEREST

A conflict of interest is a situation in which an individual's personal interests, or interests that they owe to another body, may (or may appear to) influence or affect their decision making. Members of Council, relevant participants at governance meetings and employees should refer to FFI's [Conflict of Interest Policy](#) for guidance on managing conflicts of interest that may arise.

WHISTLEBLOWING

Whistleblowing is the disclosure, by employees, of information in the public interest that relates to suspected wrong doing or dangers at work. To raise a whistleblowing concern relating to bribery, employees should refer to FFI's [Whistleblowing Policy & Procedure](#).

REPORTING

Incidences of bribery and/or the offer or receipt of gifts or hospitality should be reported to the Governance Team by completing the [Bribery Report Form](#) and sending it to: governance@fauna-flora.org



APPENDIX 1: GLOSSARY

EXTORTION: The unlawful use of one's position or office to obtain money/favours through coercion or threats. The act of securing money, favours etc., by intimidation or violence; blackmail.

FACILITATION PAYMENT: Usually small unofficial payments made to secure or expedite the performance of a routine or necessary action, to which the payer of the facilitation payment has legal or other entitlement. A "sitting fee" (defined below) is an example of a facilitation payment.

SITTING FEE: A fee to ensure the attendance of an official at a meeting, which they are already obliged to attend through existing contractual/salaried arrangements.

GIFTS AND HOSPITALITY: These can range from small gifts (such as diaries) to expensive hospitality (tickets for major events, holidays etc.). Extravagant gifts and hospitality may be used to disguise bribes that are intended to induce improper behaviour:

- **Gift:** Money, goods, services or loans given ostensibly as a mark of friendship or appreciation. A gift is supposedly given without expectation of consideration or value in return. A gift may be used to express a common purpose and the hope of future business success and prosperity. It may be given in appreciation of a favour done or a favour to be carried out in the future. A gift has no role in the business process other than that of marking and enhancing relations or promoting the giver's enterprise by incorporating a logo or message on a promotional item.
- **Hospitality:** Includes entertaining, meals, receptions, tickets to entertainment, social or sports events, participation in sporting events, such activities being given or received to initiate or develop relationships between business people. The distinction between hospitality and gifts can blur, especially where the giver of the hospitality does not attend and act as host.

PERSON WITH A CLOSE CONNECTION TO UK: One who is defined by the Bribery Act as:

- a British citizen;
- a British overseas territories citizen;
- a British National (Overseas);
- a British Overseas citizen;
- a person who under the British Nationality Act 1981 was a British subject;
- a British protected person within the meaning of that Act;
- an individual ordinarily resident in the UK;
- ***a body incorporated under the law of any part of the United Kingdom.***

As an organisation, FFI meets the last of these definitions, therefore ALL those employed by/associated with FFI UK, whatever their nationality and employment status, are included. Therefore this definition includes all those employed by, and undertaking activity on behalf of, FFI wherever they are based in the world.

ASSOCIATED PERSON: Moreover, whilst organisations may reasonably expect to be accountable for the misdeeds of those over whom they have direct management control within the organisation, generally their management and staff, in effect Section 7 of the Bribery Act extends the scope of that responsibility to any person (individual or company) who provides services to them, wherever that person may be and whether or not they have any other connection to the UK.

SENIOR OFFICERS: "A director, manager, secretary or other similar officer" of a corporate body or organisation.

SOLICITATION: The act of a person asking, ordering or enticing someone else to commit bribery or another crime.