



# Anti-Bribery, Anti-Money Laundering and Anti- Fraud & Theft Policy

## Document Control

<b>Document Title:</b>	Anti-Bribery, Anti-Money Laundering and Anti-Fraud & Theft Policy
<b>Document Ref No:</b>	FMP-003

Revision	Purpose Description	Originated by	Checked by	Approved by	Date
0A	Original	M.Leng	J. Mackintosh	A.Smith	30-4-16
0B	Updated and Amended	M.Leng	J. Mackintosh	A.Smith	30-4-20
0C	Action on reported incidents added – Document control added	I.Robinson	A Smith	A Smith	25-9-20

## Authorisation Control

Approved for Use			
Name	Position	Signature	Date
Andy Smith	Chair of Trustees		25-9-20

**NOTICE:**

All Cairdeas Policies and Procedures apply to Cairdeas Trustees, staff and volunteers.

## Contents

1	PURPOSE OF THE POLICY .....	1
2	ANTI-BRIBERY .....	1
2.1	Procedures .....	1
3	ANTI-MONEY LAUNDERING .....	2
3.1	Purpose of the Policy .....	2
4	ANTI-FRAUD AND THEFT .....	3
4.1	Purpose of the Policy .....	3

## 1 PURPOSE OF THE POLICY

This policy sets out guidelines to enable Cairdeas to operate with transparency and honesty. The Trustees commit to and oversee the implementation of a policy of zero-tolerance towards bribery, money laundering, fraud and theft recognising that they are contrary to fundamental values of integrity, transparency and accountability and undermines organisational effectiveness. The Trustees also commit to be vigilant in identifying and reporting potential instances of bribery, money laundering or fraud.

It applies to all members of Cairdeas – Trustees, staff and volunteers. They have a responsibility for putting these principles into practice and for reporting any breaches they discover. Anybody associated with Cairdeas who is involved with bribery, money laundering or commits fraud, theft or any other dishonesty, or who becomes aware of it and does not report it, will be subject to appropriate disciplinary action.

Any reported incidents of suspected bribery, money laundering, fraud and theft or of non-compliance with this policy will be treated seriously and with urgency, with every attempt made to investigate and conclude any action, including referral to outside law enforcement agencies and regulatory authorities, as quickly as possible. The Chair is to report all such incidents (whether resolved at that stage or still under investigation) to the immediate next meetings of the Governance Group and Trustees.

## 2 ANTI-BRIBERY

Bribery can be defined as: '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 also include extortion, gifts, hospitality and facilitation payments regarded in certain cultures and work environments as part of "business as usual".

### 2.1 Procedures

Bribery risk assessment forms part of Cairdeas' overall and ongoing risk management process supervised by the Governance Group, Medical and UK Operations Director on behalf of the Trustees.

The Trustees follow the procedures and guidance set out in '**Anti-Bribery Principles and Guidance for NGO's**' published by Bond International for International Development, June 2011 and used with permission that accompanies this policy.

This guidance outlines some key actions in implementing anti-bribery policies and procedures. that are robust and proportionate to the size of Cairdeas, and the complexity and the range of risks it faces.

The guidance also helps Cairdeas ensure it is complying with legal requirements, including the UK Bribery Act. The key elements of that Act are highlighted for information. Cairdeas has made itself aware of the detail of the Act. Implementation of the measures contained within this document demonstrates that it has put robust anti-bribery procedures in place, in the event of possible prosecution under the Act.

Any person connected with Cairdeas, in a voluntary or paid capacity, or in a partner organisation must report any situation in which they have been offered (or believe they have been offered) a bribe, to their line manager immediately.

Any person connected with Cairdeas, in a voluntary or paid capacity, who makes or receives a bribe will be liable to disciplinary action under the charity's disciplinary procedures that may result in their dismissal, and referral to the authorities that may result in a criminal conviction with a penalty of a fine or imprisonment.

Any situation that may be considered 'payment under duress' – rare and exceptional circumstances when individuals have no option other than to make payments to protect against loss of life, limb or liberty; or in humanitarian emergencies (e.g. to prevent the loss of life) – must be referred to the Trustees for guidance. Such situations are expected to necessitate the Trustees seeking expert external advice.

## 3 ANTI-MONEY LAUNDERING

### 3.1 Purpose of the Policy

Money laundering is the process by which the proceeds of criminal or illegally obtained money are processed or spent to create the appearance that they have come from a legal source. The term "money laundering" covers several offences relating to the improper handling of funds that are the proceed of criminal acts, or terrorist acts. It relates to both the activities of organised crime but also to those who benefit financially from dishonest activities such as tax evasion or receiving stolen goods.

To fulfil their duties in managing the charity's funds properly, the Trustees need to know where the funds come from and take reasonable steps to ensure they:

- **'identify'** - know who they are dealing with;
- **'verify'** - where reasonable and the risks are high, verify identities, where reasonable (for example, it will not be possible for the Trustees to know the identity of very individual who has put money into a donation bucket)
- **'know what the organisation's or individual's business is'** and can be assured this is appropriate for the charity to be involved with;
- **'know what their specific business is with the charity'** and have confidence they will deliver what the charity wants them to; and
- **'watch out'** for unusual or suspicious activities, conduct or requests.

Key areas in which money laundering activities may occur are if large, unexpected donations are received from unknown individuals, organisations or other sources; and if unexpected or unexplained requests are received for the repayment of all or part of a donation.

If the charity suspects that money laundering may be taking place, it will submit a Suspicious Activity Report (SAR) to the National Crime Agency.

Any suspicions that money laundering may be taking place are to be reported immediately to the Treasurer or in their absence to the Chair of Trustees, who will act as the money-laundering reporting officer (MLRO).

The report should include details of

- the people involved
- the type of transaction
- the relevant dates
- why there is suspicion;
- when and how activity is undertaken; and

- likely amounts, etc.

The responsibilities of the MLRO will be overseen by the charity's Governance Group. These responsibilities include

- receiving reports of suspicious activity from staff
- considering all reports and evaluating whether there is - or seems to be - any evidence of money laundering or terrorist financing
- reporting any suspicious activity or transaction to the National Crime Agency (NCA) by completing and submitting a SAR, and
- ensuring that proper records are maintained on all the relevant activities.

As a charity, Cairdeas is not required to sign up to a Register of Trust under anti-money laundering regulations.

## 4 ANTI-FRAUD AND THEFT

### 4.1 Purpose of the Policy

Fraud is a deliberate intent to acquire money or goods dishonestly through the falsification of records or documents. The deliberate changing of financial statements or other records by a member of the public, someone who works or is a volunteer or Trustee, for Cairdeas. The criminal act is the attempt to deceive and attempted fraud is therefore treated as seriously as accomplished fraud

Theft is dishonestly acquiring, using or disposing of physical or intellectual property belonging to Cairdeas or to individual members of the organisation.

The system of internal control is designed to respond to and manage the whole range of risks which the Charity faces.

The system of internal control is based on an on-going process designed to identify the principal risks, to evaluate the nature and extent of those risks and to manage them effectively. Managing fraud risk is seen in the context of the management of this wider range of risks.

Every member of staff is responsible for:

- acting with propriety in the use of Charity's resources and the handling and use of funds whether they are involved with cash, receipts, payments or dealing with suppliers
- conducting themselves with selflessness, integrity, objectivity, accountability, openness, honesty and leadership
- being alert to the possibility that unusual events or transactions could be indicators of fraud
- alerting the Chair of Trustees when they believe the opportunity for fraud exists e.g. because of poor procedures or lack of effective oversight
- reporting details immediately if they suspect that a fraud has been committed or see any suspicious acts or events, and
- cooperating fully with whoever is conducting internal checks or reviews or fraud investigations.

The Chair of Trustees will report to the charity's Governance Group and the Trustees

- reports of incidents, concerns or suspicions received
- whether there is – or seems to be – any evidence of fraud or theft that need to be investigated
- whether any incidents or suspicious activity has been reported to the police, OSCR