

## **SCA ANTI-FRAUD, ANTI-BRIBERY AND ANTI-CORRUPTION POLICY**

This document explains Scottish Canoe Association's anti-fraud, anti-bribery and anti-corruption policy and the steps that must be taken where fraud is suspected or discovered. All staff should be aware of this and all new staff advised of its content on induction. Any person who becomes aware of any fraud, bribery, corruption or other illegal act and does not follow this policy may be subject to disciplinary action.

### **INTRODUCTION**

It is important that Scottish Canoe Association (SCA) volunteers and staff are aware of the risk of fraud, bribery and corruption.

### **DEFINITIONS**

**Fraud** - theft by deception. It is deliberate intent to permanently deprive a person or organisation of money or goods through the falsification of any records or documents.

**Bribery** - inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage. Acts of bribery or corruption are designed to influence the individual in the performance of their duty and incline them to act dishonestly.

**Corruption** - where someone is influenced by bribery, payment or benefit in kind to unreasonably use their position to give some advantage to another.

**Misappropriation** - inappropriate use of company property or employed time for personal gain/profit

It is expected that all volunteers and staff will act with the utmost integrity and ensure adherence to all relevant regulations, policies and procedures. A culture of openness, honesty and probity is strongly encouraged.

### **1. POLICY STATEMENT**

- a. The SCA is committed to carrying out its activities in an honest and ethical manner and to observe the provisions of the Bribery Act 2010, in respect of its conduct.
- b. The Bribery Act 2010 created a number of new bribery and corruption offences and holds organisations liable for failing to prevent bribery carried out on their behalf, irrespective of whether the bribe takes place in the UK or overseas. The sanctions for these offences include up to 10 years' imprisonment for the individuals responsible. In addition, if the SCA is found to have connived in or consented to acts of corruption undertaken in its name, the penalties include personal liability and unlimited fines and significant reputational damage for the SCA.
- c. This policy outlines how the SCA is implementing and enforcing effective systems to counter bribery. The purpose of this policy is to:
  - i. Set out the SCA's responsibilities, and of SCA volunteers and staff, in observing and upholding our position on bribery and corruption; and

- ii. Provide information and guidance to SCA volunteers and staff on how to recognise and deal with fraud, bribery and corruption issues.
- d. This policy is adopted and endorsed by the Board of Directors. The Chief Executive is the SCA's Bribery Act compliance officer.

## **2. WHO IS COVERED BY THE POLICY?**

- a. This policy applies to all SCA volunteers and staff.

## **3. GIFTS AND HOSPITALITY**

This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties. However, gifts, hospitality and political or charitable donations will be bribes if they are given or received with the intention of influencing business decisions. In addition, when giving or receiving gifts and hospitality, you should consider whether the following requirements are met:

- a. It is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
- b. It complies with any local law
- c. It does not include cash or a cash equivalent (such as gift certificates or vouchers);
- d. Taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time and
- e. It is given openly, not secretly.
- f. Gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the SCA Chief Executive.

## **4. WHAT IS NOT ACCEPTABLE?**

It is not acceptable for you (or someone on your behalf) to:

- a. Give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that business advantage will be received, or to reward a business advantage already given.
- b. Give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure.
- c. Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them.
- d. Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that business advantage will be offered in return.
- e. Threaten or retaliate against an SCA volunteer, member of staff or third party who has refused to commit a bribery offence or has raised concerns under this policy.
- f. Engage in any activity that might lead to a breach of this policy.

## **5. FACILITATION PAYMENTS**

- a. In some countries it is customary practice to make payments or gifts of small value to government officials in order to speed up or facilitate a routine action or process. However, this is not permitted under the Bribery Act and the SCA does not, therefore, support or endorse the making or accepting of facilitation payments by staff and anyone carrying out business on behalf.
- b. If you are asked to make a payment on behalf of the SCA, 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.

- c. In the event that a facilitation payment is being extorted, or if you are forced to pay under duress, you must record the payment and report it without delay.

## **6. RESPONSIBILITIES**

- a. You must ensure that you read, understand and comply with this policy.
- b. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all SCA volunteers and staff. You are required to avoid any activity that might lead to, or suggest, a breach of this policy.
- c. Effective risk assessment in order to evaluate and mitigate risk is essential. You must assess the vulnerability of activities on an on-going basis.
- d. You must notify the SCA Chief Executive as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.
- e. Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct.

## **7. RECORD-KEEPING**

- a. The SCA has a duty to monitor the fact that the terms of the Bribery Act are being observed by SCA volunteers and staff. The SCA is required to keep financial records and to have appropriate internal controls in place which will evidence the business reason for making payments to third parties.
- b. You must declare and keep a written record of all hospitality or gifts accepted.
- c. The SCA register of gifts will be kept up to date by the SCA Administrator.
- d. The SCA CEO will regularly review the register of gifts and seek further details if necessary from volunteers/staff in order to ensure compliance with this policy and with the law.
- e. All expense claims specifically record the reason for the expenditure.

## **8. HOW TO RAISE A CONCERN**

You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with the SCA Chief Executive (or the SCA General Secretary if the Chief Executive is suspected of fraud). Malpractice may be reported by following the procedure set out in the SCA Whistleblowing Policy.

## **9. WHAT TO DO IF YOU ARE A VICTIM OF FRAUD, BRIBERY OR CORRUPTION**

It is important that you tell you report as soon as possible if you are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity. All instances of bribery or attempted bribery must be reported promptly to the SCA Chief Executive.

## **10. PROTECTION**

- a. Those who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. The SCA will support anyone who raises genuine concerns in good faith under this policy.
- b. The SCA is committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, 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.

#### 11. **MONITORING THE POLICY AND PROCEDURES**

This policy will be reviewed at least every 3 years.

### **APPENDIX - Definition of Bribery**

A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage. Acts of bribery or corruption are designed to influence the individual in the performance of their duty and incline them to act dishonestly.

It is an offence under the Bribery Act to:

- a. Offer a bribe
- b. Receive a bribe
- c. Bribe a Foreign Official and
- d. Consent or connive to the commission of a bribery offence by anyone associated with the SCA in respect of activities carried out on behalf of the SCA.

#### **Examples:**

##### **Offering a bribe**

You offer someone tickets to a major sporting event, on condition that they agree to do business with you/the SCA as a result. This would be an offence as you are making the offer to gain a commercial and contractual advantage. The SCA may also be found to have committed an offence because the offer has been made to obtain business for the SCA.

##### **Receiving a bribe**

A member arranges for her company to make a substantial donation to the SCA on condition that her child is offered a place in a particular squad. It is an offence for such an offer to be made. It would be an offence for you to accept the offer as you would be doing so to gain a personal advantage.

##### **Bribing a foreign official**

You make or arrange for a payment to be made a foreign official to secure an international event. The offence of bribing a foreign public official has been committed as soon as the offer is made. This is because it is made to gain a business advantage for you or for the SCA.

#### **POTENTIAL RISK SCENARIOS:**

*The matters set out below illustrate a number of scenarios which indicate an increased risk of an offence under the Bribery Act being committed:*

- (a) You find out that that a third party engages in, or has been accused of engaging in, improper business practices;*
- (b) You learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a "special relationship" with foreign government officials;*

- (c) A third party insists on receiving a commission or fee payment before committing to sign up to a contract, or carrying out a government function or process;*
- (d) A third party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made;*
- (e) A third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business;*
- (f) A third party requests an unexpected additional fee or commission to "facilitate" a service;*
- (g) A third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;*
- (h) A third party requests that a payment is made to "overlook" potential legal violations;*
- (i) A third party requests that you provide employment, a place on a course, or other advantage to a friend or relative;*
- (j) You receive an invoice from a third party that appears to be non-standard or customised;*
- (k) A third party insists on the use of side letters or refuses to put terms agreed in writing;*
- (l) A third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to the SCA; and*
- (m) You are offered an unusually generous gift or offered lavish hospitality by a third party.*