

Policy	Anti-bribery
Owner	Director of Finance, Information and Infrastructure (FIIG)
Version	V1.6 November 2021
Approved by	Finance, Legal, Audit and Risk Committee (FLAR)
Audience	All CAFOD
Next review due	November 2022

Policy Statement

CAFOD takes a zero-tolerance approach to bribery in all forms including facilitation gifts, payments and favours. This includes overseas offices, partner organisations and agents.

Bribery cannot be explained or justified by local customs.

Action will be taken through line management, following discussion with the Director of Finance, Information and Infrastructure and Director of People, Culture and Change, in respect of any staff member who fails to adhere to the policy. External legal action may result in prosecution, fines and/or prison sentences for both the staff member and CAFOD.

Background

Bribery and corruption are found in all countries. They hurt the poor disproportionately, diverting resources intended for development and humanitarian assistance and increasing the costs of basic public services. They undermine economic growth and are a barrier to poverty alleviation and good governance. Often, bribery and corruption can aggravate conflict and insecurity.

Suggestions that an NGO is linked to bribery in any way can be damaging to its reputation and undermine the trust and support of people and communities we work with / support, partners, the wider public and donors. Public concern about the impact of bribery and corruption is a critical issue in building broad public support for aid and development.

Bribery is also contrary to commonly held values of integrity, transparency and accountability and as such undermines organisational effectiveness.

"Billions Flowing in as bribes" Bribery occurs not only inside African countries. Far too often, globally trading companies also resort to bribery to receive deals with public officials and governments, but unlike impoverished citizens who have to pay bribes to access basic public services, companies are after mining rights, contracts for major construction projects and other deals. Politicians in resource and mineral-rich African countries often become a target of such corrupt business practices.
Transparency International, July 2019.

Legal Compliance

The [Bribery Act 2010](#) has reinforced the need for all organisations (including NGOs) to have in place effective measures for preventing bribery. It also sets out that a UK organisation can be prosecuted for bribes anywhere in the world, so it is important that this policy is strictly adhered to across our overseas offices. Further to this, it is important to note that allegations of or actual bribery at partner level can negatively impact CAFOD and, as such, we expect partner organisations to have their own policies setting out zero tolerance to bribery and, where they do not have such a policy, we must help them to develop one. Ministry of Justice Guidance suggests that organisations should periodically review the effectiveness of their anti-bribery procedures and adapt them where necessary. CAFOD achieves this through the annual review of the Anti-Bribery policy, and a bribery risk review every two years, with reporting to FLAR.

Risk Statement

Due to the nature of our operations, there is a medium risk that CAFOD staff and partners will be subject to requests for bribes and/or the temptation to pay bribes or facilitation payments. The impact on the organisation of any proven or alleged bribery is high due to the ramifications of the Bribery Act and the potential for reputational damage.

Policy Details

Definition and examples

"Bribery is the offering, giving, accepting or soliciting of any item of value or an advantage to another person to induce that person to improperly perform a relevant function or activity, or to reward them for improper performance"

Definition taken from Transparency International's Doing Business Without Bribery Training

A bribe can take many forms and be of any size. Where the offer or receipt is intended for family or friends, or when bribery takes place through our partners, contractors or an agent, it is still considered to be a bribe. Inducements can take the form of gifts, loans, fees, rewards or other advantages.

Gifts and hospitality

In some countries, gift giving and hospitality are common. Genuine hospitality and the giving / receiving of gifts are not prohibited under the Bribery Act however it is important to note the CAFOD guidelines on anti-bribery when giving or receiving gifts or hospitality.

Payments under duress – extortion not bribery

In all cases, the security and safety of staff, partners and representatives must not be compromised. Although CAFOD security procedures should minimise the likelihood, in some cases a payment under duress may need to be made. "Duress" includes a threat to safety and security and does not include the threat of delay or inconvenience.

A payment under duress is considered to be extortion and not bribery and should be reported as a security incident under CAFOD's security procedure.

Operational effectiveness and the humanitarian imperative

CAFOD does not tolerate bribery and does **not** accept the argument that in some circumstances there is no choice but to make facilitation payments or pay bribes either for operational efficiency or because of the humanitarian imperative.

Associated policies and procedures

Anti-bribery measures are built into CAFOD's wider framework of working in partnership and internal controls, including in:

- CAFOD's Code of Behaviour and CAFOD's Conflict of Interest Policy: cover conflicts of interest, coercion and corruption and the behaviours expected of staff and sanctions that exist; these are accessible within [CAFOD EthicsPoint](#) System.
- The Key Travel system asks all staff to confirm that "I have read and understand the CAFOD Travel, Security and Integrity Policies and considered the risks of contravening the Bribery Act".
- CAFOD's Supply Chain Manual, that covers the risks of bribery within CAFOD and partner procurement;
- CAFOD's International Partnership Manual, which refers to the international partnership policy in chapter 1;
- CAFOD's partner assessment tool, the MANGO Health Check, includes a prompt to programme staff to discuss a partner's awareness of, and approach to, anti-bribery;
- A clause is included in all Project Funding Agreements saying that CAFOD will comply with the United Kingdom's Bribery Act 2010, ensuring that effective measures for preventing bribery (which includes the payment or acceptance of "facilitation" fees) are in place and adhered to. By signing the agreement, partners accept a corresponding commitment not to use the Grant for the payment of either bribes or "facilitation" fees. The clause serves to confirm that CAFOD has a zero-tolerance policy in relation to bribery.

Policy Dissemination

This policy will be disseminated to all staff and partners. An annual reminder email, emphasising the importance of compliance with this policy, will be sent out by the Director of Finance, Information and Infrastructure. This policy is accessible through [CAFOD EthicsPoint](#) System.

Compliance with Policy

The Director of FIIG is responsible for monitoring compliance. If lack of compliance with this policy is identified by any individual, please report it immediately to the Director of FIIG. Any cases should be signed off by the Director of FIIG and relevant Group Director. If any staff member feels under duress to pay a bribe or facilitation payment or is unsure whether a payment constitutes a bribe or facilitation payment, they should contact the Director of Finance, Information and Infrastructure or any member of the Internal Audit and Compliance team for advice.

If you have any concern regarding the activities of staff or partners, this can also be reported through the CAFOD Whistleblowing Policy, which is accessible in the [CAFOD EthicsPoint](#) System.

Trustees' responsibilities

Trustees are ultimately responsible for reviewing and approving this policy. They must ensure that CAFOD complies with the law on fraud and financial crime and take all reasonable steps to ensure that there is no misuse of CAFOD's funds or assets. Trustees, along with Directors and Senior Managers, with whose "consent or connivance the bribery was committed" would also be held personally liable under the Bribery Act.