Rukungiri Orphan Partnership (ROP)

004 - Anti-Bribery & Corruption

The following information is extracted from the Charity Commission for England and Wales. The Compliance Toolkit; Protecting Charities from Harm (Chapter 3: Fraud and Financial Crime)

Bribery and Corruption

This guidance sets out the Commission's position on bribery and provides guidance to trustees.

The Bribery Act came into force in July 2011. The MOJ issue a Quickstart guide to the Act, together with more detailed guidance on section 6 – bribery of a foreign official and section 7 failure of an organisation to prevent bribery. There is joint prosecution guidance which sets out the approach to prosecution in respect of offences under the Act.

The Commission expect trustees to comply with the law on bribery and implement good practice in accordance with the duty to protect the property and reputation of their charity.

The guidance also refers to facilitation payments, which can be a particular concern to charities operating internationally.

What is bribery and how does it affect charities?

Bribery means offering, promising, or giving someone a financial what are their advantage to encourage them to perform their functions or activities improperly, and it includes where it is known or believed that the acceptance of the advantage itself constitutes improper performance. It also means asking for or agreeing to accept a bribe.

The Bribery Act 2010 creates four criminal offences:

- Bribing another person
- Accepting a bribe
- Bribing a foreign official
- Failing to prevent bribery (for commercial organisations)

The Act does apply to charities. If a bribe well to be paid to a designated individual, such payments maybe offences under counter-terrorism legislation.

Charities may encounter corruption wherever they operate. To comply with the trustees legal duties, trustees should avoid any situation where there is an expectation of a gift or payment in return for an advantage of any kind. Potential damage to reputation maybe severe and could result in loss of confidence and support from donors and from the wider public. Charities must be clear that they will not tolerate bribery and corruption and will benefit from having a reputation for operating in an open and transparent way.

Any breaches of this procedure or any known attempts of bribery and corruption should be raised initially with the Trustee Board and may subsequently reported to the police.

Date of Change:	Changed By:	Comments: