



ANTI-CORRUPTION POLICY

Adopted: Sept 2020

Renewal: Sept 2023

Policy Statement

Human Rights at Sea takes a zero tolerance approach to bribery and corruption. HRAS is committed to acting professionally, fairly and with integrity in all our business dealings and relationships wherever we operate and enforcing effective systems to counter bribery and corruption.

Scope of Policy

The policy applies to all employees, volunteers, trustees, partners, consultants and service suppliers.

Ethics Principles

HRAS's ethics principles: Beneficiaries First, Ethical Culture, Transparent & Accountable, Outward Facing Risk, Due Diligence and Staff Code of Conduct, inform this policy. Please read the HRAS Ethics Policy (weblink) in conjunction with this Policy.

Standards

We will uphold all laws relevant to countering bribery and corruption in all the jurisdictions in which we operate. However, we remain bound by the laws of the UK, including the Bribery Act 2010, in respect of our conduct both at home and abroad.

Please see the [Definitions](#) section at the end of this policy for the below terms as needed.

Facilitation payments

HRAS does not make, and will not accept, facilitation payments of any kind or unofficial payments made in return for a business favour or advantage. All payments made on behalf of the Charity must be for goods and services received and with clear supporting documentation e.g. contract, purchase orders and invoices.

Conflict of interest

All conflicts of interest must be declared at the earliest opportunity in writing to HRAS to ensure HRAS can avoid and or manage conflicts in line with the law and its ethical principles.

Gifts and hospitality

This policy does not prohibit gifts, entertainment, hospitality or other promotional expenditures, given and received, to or from third parties which are proportionate, transparent, reasonable and for bona fide purposes related to the aims and objective of the Charity.

The giving and accepting of gifts is allowed, if it:

- complies with the laws of the recipient's country or any other applicable local laws and regulations;
- is not made with the intention of influencing or rewarding a third party to obtain a business advantage, or in explicit or implicit exchange for favours or benefits;

- is given in the charity's name, and not in your name;
- does not exceed the amount of £250.00 in value;
- is not viewed as lavish or excessive under local standards and customs, and is only provided as a courtesy, or token of esteem;
- does not include cash or a cash equivalent (such as gift certificate, checks, or vouchers);
- is a ceremonial gift on a festival or at another special time;
- is given openly, not secretly; and
- is of an appropriate type and value and given at an appropriate time, taking into account the reason for the gift.

For Employees, Trustees and Contractors the following thresholds apply for gifts and hospitality.

Estimated value	Approver	Recording
Up to £ 20.00	Self-approval	No recording required
Between £20.00 and £50.00	Self-approval	Record on local Gift and Hospitality register
Over £50.00	CEO approval	

No money or monetary token of any value should be accepted.

Political contributions

HRAS does not make donations, whether in cash or kind, in support of any political parties or candidates, campaigns or political issues, as this can be perceived as an attempt to gain an improper business advantage.

Charitable contributions

Charitable support and donations are acceptable, whether of in-kind services, knowledge, time, or direct financial contributions. However, employees must be careful to ensure that charitable contributions are not used as a scheme to conceal bribery. We only make charitable donations that are legal and ethical under local laws and practices. No donation must be offered or made without the prior approval of the CEO. All charitable contributions should be publicly disclosed.

Roles and Responsibilities

Bribery and corruption are punishable for individuals by up to ten years' imprisonment and a fine. If the Charity is found to have taken part in corruption, it could face an unlimited fine, be excluded from tendering for public contracts and face damage to its reputation. We therefore take our responsibilities very seriously.

The Board of Trustees has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it.

Trustees have a legal duty to act in HRAS's best interests when making decisions, and to declare a conflict of interest immediately they are aware that there is a possibility that their personal or other business interests could influence their decision making. Conflicts of Interest must be declared in writing to the Chair.

The CEO has primary and day-to-day responsibility for implementing this policy as outlined in the Commitments, Controls and Processes section on this policy.

HRAS Trustee and Staff Responsibilities:

- **HRAS trustees and staff must**
 - ensure they **read, understand and comply with this policy**. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for us or under our control.
 - **declare** and keep a **written record of all hospitality or gifts** accepted or offered, which will be subject to managerial review. Staff must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with our expenses policy and specifically record the reason for the expenditure.
 - **report** any concerns or suspicions regarding bribery and corruption by HRAS staff member or associated personnel to the appropriate staff member. Please see the whistleblowing Policy (weblink)
 - **inform** the CEO as soon as possible if **they are offered a bribe by a third party**, are asked to make one, or suspect that this may happen in the future.
 - **Declare any conflicts of interest** at the earliest opportunity in writing to their line manager.

Commitments, Controls and Processes.

- **Controls and process** – Senior management will ensure that appropriate anti-corruption controls and processes are in place. Trustees will be presented with the annual anti-corruption risk reports.
 - All accounts, original invoices, memoranda and other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness. No accounts must be kept "off-book" to facilitate or conceal improper payments.
 - A conflict of interest register is maintained.
 - Given strict legal requirements, HRAS will follow the guidance outlined in the by the [Institute of Chartered Secretaries and Administrators](#) to ensure conflicts of interest are managed appropriately.
- **Training** - Training on anti-corruption will ensure that anyone working for the charity understands the expectations placed upon them. New staff or trustees must undergo training within the first 3 months of being contracted with HRAS.
- **Speak up Culture** - HRAS promotes a culture that supports the reporting and resolution of allegations, suspicions or concerns of anti-corruption.

HRAS ensures trustees, staff and associated personnel understand that they are obliged to report any concerns or suspicions regarding anti by HRAS staff member or associated personnel to the appropriate staff member

HRAS provides a publicly available contact for supporters, beneficiaries and other external people to report any safeguarding concerns.

- **Response** - HRAS will follow up anti-corruption reports and concerns according to policy and procedure, and legal and statutory obligations

HRAS will apply appropriate disciplinary measures to staff found in breach of policy.

- **Recording incidents** - The CEO or delegated individual is responsible for recording the concern, documenting the investigation and confirming to the person who raised the concern that the concern is being taken seriously. Due to GDPR, HRAS wmay not share further information on the outcome of the investigation with person who raised the concern.

It is essential that confidentiality is maintained at all stages of the process. Information relating to the concern and subsequent case management should be shared on a need to know basis only, and should be kept secure at all times.

- **Communication to suppliers, contractors and partners.** This policy must be shared with all significant suppliers, contractors and business partners at the outset of our business relationship. We may seek to terminate our relationship with individuals and organisations working on our behalf if they breach the standards this policy for HRAS related work.

Breach of this Policy

Any trustee or staff who breaches this policy may face disciplinary action, which could result in dismissal for gross misconduct. We reserve our right to terminate our contractual and non-contractual relationship with other workers if they breach this policy.

Raising a Concern

How to raise a concern

Staff are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. Please see the whistleblowing and Complaints Policy (link) If unsure whether a particular act constitutes bribery or corruption, or if there are any other queries or concerns, these should be raised with the CEO.

We are 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. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the CEO immediately.

Definitions

Corruption

Corruption can take many forms that vary in degree from the minor use of influence to institutionalized bribery. Transparency International's definition of corruption is "the abuse of entrusted power for private gain". This can mean not only financial gain but also non-financial advantages.¹

Extortion

The solicitation of bribes is the act of asking or enticing another to commit bribery. It becomes extortion when this demand is accompanied by threats that endanger the personal integrity or the life of the private actors involved."²

Bribery

¹ <https://www.unglobalcompact.org/what-is-gc/mission/principles/principle-10>

² <https://www.unglobalcompact.org/what-is-gc/mission/principles/principle-10>

Bribery: An offer or receipt of any gift, loan, fee, reward or other advantage to or from any person as an inducement to do something which is dishonest, illegal or a breach of trust, in the conduct of the enterprise's business."³

Bribes can take on many different shapes and forms, but typically they involve corrupt intent. There will usually be a 'quid pro quo' – both parties will benefit. A bribe could be the:

- direct or indirect promise, offering, or authorisation, of anything of value;
- offer or receipt of any inducement, loan, fee, reward or other advantage;
- giving of aid, donations or voting designed to exert improper influence Examples of bribery may include:
- a potential supplier offering money or a gift in order to influence a tendering process;
- a job applicant offering payment in order to increase his/her chance of being offered employment.⁴

Facilitation payments

Facilitation payments are a form of bribery made for the purpose of expediting or facilitating the performance of an official for a routine functions they are otherwise obligated to perform. Facilitation payments are bribes and there is no exemption from them under the Bribery Act. Facilitation payments do not include legally required administrative fees and legitimate fast-track services. Facilitation payments are particularly prevalent in certain overseas countries.⁵

Conflict of Interest⁶

Conflicts of interest arise when the interests of trustees, or “connected persons”, are incompatible or in competition with the interests of the charity. Such situations present a risk that trustees will make decisions based on these external influences, rather than the best interests of the charity.

The most common types of conflict include:

- direct financial interest - when a trustee obtains a direct financial benefit via:
 - the payment of a salary to a trustee by the charity
 - the award of a contract to a company with which a trustee is involved
 - the sale of property at below market value to a trustee
- indirect financial interest - this arises when a close relative of a trustee benefits from the charity:
 - the awarding of an employment contract to a trustee's spouse; and
 - making a grant to a trustee's dependent child,

A “connected” person as:

- a) a child, parent, grandchild, grandparent, brother or sister of a trustee;
- b) spouse or civil partner of trustee, or of (a) above; c) business partner of trustee or (a) or (b);
- d) institution controlled i) by trustee or (a), (b), or (c) above or ii) by two or more persons falling within i) when taken together ;
- e) a body corporate which i) the trustee or connected person in (a) to (c) has a substantial interest or, i) two or more persons falling within i) when taken together have a substantial interest.

³ <https://www.unglobalcompact.org/what-is-gc/mission/principles/principle-10>

⁴ <http://www.thebriberyact2010.co.uk/what-is-a-bribe.asp#:~:text=Broadly%2C%20the%20Act%20defines%20bribery,impartially%20or%20in%20good%20faith>

⁵ <http://www.justice.gov.uk/downloads/legislation/bribery-act-2010-quick-start-guide.pdf>

⁶ https://knowhow.ncvo.org.uk/tools-resources/board-basics/model-documents-and-templates/copy_of_icsaspecimenconflictinterestpolicy.pdf