

ANNEX FURTHER GUIDANCE

Anti-fraud, bribery and corruption policy

Policy summary

The Palestine Trauma Centre UK has a 'zero tolerance' policy towards fraud, bribery and corruption. It will always seek to take disciplinary and /or legal action against those found to have perpetrated fraud (para 7).

The Palestine Trauma Centre UK is committed to developing an anti-fraud culture and keeping the opportunities for fraud, bribery and corruption to the absolute minimum (para 8).

The Palestine Trauma Centre UK will assess the risks of fraud, bribery and corruption, establish processes and controls to minimise these risks, and regularly review the effectiveness of its control systems (paras 11 and 15).

The Palestine Trauma Centre UK requires all personnel to immediately report any incidents or suspicions of fraud, bribery or corruption to an appropriate manager or another person named in Raising Concerns. The Palestine Trauma Centre UK will not penalise anyone for raising a concern in good faith (paras 16, 17 and 19).

The Palestine Trauma Centre UK will take all reports of fraud, bribery and corruption seriously, and investigate proportionately and appropriately as set out in the Fraud Response Plan (para 21).

The Palestine Trauma Centre UK requires all those receiving Palestine Trauma Centre UK funds or representing the Palestine Trauma Centre UK, including its suppliers, grant recipients, partners, contractors and agents, to act in accordance with this policy. This includes reporting to the Palestine Trauma Centre UK any suspected or actual instances of fraud, bribery or corruption involving Palestine Trauma Centre UK assets or personnel (paras 6 and 18).

ANNEX FURTHER GUIDANCE

Introduction

1. The Palestine Trauma Centre UK complies with applicable legislation, including the Fraud Act 2006, the Bribery Act 2010, and with other regulatory requirements and applicable guidance including Managing Public Money. Its trustees are required under charity law to safeguard the assets of the charity.
2. The Palestine Trauma Centre UK is committed to conducting business fairly, openly and honestly and in accordance with the highest ethical and legal standards.

Purpose

3. The purpose of this policy is to set out the Palestine Trauma Centre UK's stance on fraud, bribery and corruption and its approach to preventing, detecting, reporting and investigating fraud, bribery and corruption.

Scope

4. This policy applies to the Palestine Trauma Centre UK group worldwide, including its overseas branches and all separate legal entities owned and controlled by the Palestine Trauma Centre UK.
5. This policy is applicable to, and must be followed by, all personnel including consultants and contractors. Failure to comply could result in disciplinary action, including dismissal.
6. The Palestine Trauma Centre UK requires all those receiving Palestine Trauma Centre UK funds or representing the Palestine Trauma Centre UK, including its suppliers, grant recipients, partners, contractors and agents, to act in accordance with this policy.

Policy

Policy Statement

7. The Palestine Trauma Centre UK has a 'zero tolerance' policy towards fraud, bribery and corruption. This means that the Palestine Trauma Centre UK:
 - a) does not accept any level of fraud, bribery or corruption within the organisation or by any other individual or organisation receiving Palestine Trauma Centre UK funds or representing the Palestine Trauma Centre UK; and
 - b) will always seek to take disciplinary and/or legal action against those found to have perpetrated, be involved in, or assisted with fraudulent or other improper activities in any of its operations.
8. The Palestine Trauma Centre UK is committed to developing an anti-fraud culture and keeping the opportunities for fraud, bribery and corruption to the absolute minimum.

ANNEX FURTHER GUIDANCE

9. The Palestine Trauma Centre UK requires all personnel to act honestly and with integrity at all times and to safeguard the resources for which they are responsible.

ANNEX FURTHER GUIDANCE

Risk and internal control systems

10. The Palestine Trauma Centre UK will seek to assess the nature and extent of its exposure to the risks of internal and external fraud, bribery and corruption. It will regularly review these risks, using information on actual or suspected instances of fraud, bribery and corruption to inform its review.
11. The Palestine Trauma Centre UK will seek to put in place efficient and effective systems, procedures and internal controls to: encourage an anti-fraud culture; prevent and detect fraud, bribery and corruption; and reduce the risks to an acceptable level.
12. The Palestine Trauma Centre UK will seek to equip its personnel with the skills, knowledge and expertise to manage its fraud risk effectively. It will provide adequate training to make personnel aware of the risks of fraud, bribery and corruption, and of their responsibilities in preventing, detecting, and reporting it.
13. The Palestine Trauma Centre UK will make all those receiving Palestine Trauma Centre UK funds or representing the Palestine Trauma Centre UK, including its suppliers, grant recipients, partners, contractors and agents aware of this policy.
14. The Palestine Trauma Centre UK will work with relevant stakeholders, including comparable organisations, relevant regulators and government organizations to tackle fraud.
15. The Palestine Trauma Centre UK will regularly review and evaluate the effectiveness of its systems, procedures and internal controls for managing the risk of fraud. It will do this through risk management and assurance processes and audit arrangements.

Reporting - internal

16. All personnel must immediately report any suspected or actual instances of fraud, bribery or corruption. This includes offers to pay bribes, solicitation of bribes and demands to make facilitation payments. Failure to report could result in disciplinary action.
17. Reports should be made to an appropriate manager or to the Counter Fraud Team. If personnel are not comfortable reporting their concerns to these people, Raising Concerns sets out who else personnel can report to.
18. The Palestine Trauma Centre UK also requires all those receiving Palestine Trauma Centre UK funds or representing the Palestine Trauma Centre UK, including its suppliers, grant recipients, partners, contractors and agents, to report to any suspected or actual instances of fraud, bribery or corruption involving Palestine Trauma Centre UK assets or personnel. Reports should be made to the Chair of the Board of Trustees.
19. The Palestine Trauma Centre UK will not penalise anyone for raising a concern in good faith, even if it turns out to be unfounded. Any member of personnel who harasses or victimises someone for raising a concern in good faith will themselves be subject to disciplinary action.

ANNEX FURTHER GUIDANCE

20. The Palestine Trauma Centre UK will maintain a system for recording: all reports of actual or suspected fraud, bribery and corruption; the action taken; and the outcome of any investigation. It will use this information to inform its review of the risks and the effectiveness of its controls.

Reporting - external

21. The Palestine Trauma Centre UK will fully meet its obligations to report fraud, bribery and corruption to third parties. The report will set out: the parties that suspected or actual fraud, bribery or corruption must be reported to; the nature and timing of the disclosure required; and who is responsible for making the report.

Investigation

22. The Palestine Trauma Centre UK will take all reports of actual or suspected fraud, bribery and corruption seriously, and investigate proportionately and appropriately as set out in this policy.
23. The Fraud Response Plan sets out responsibilities for investigating fraud, bribery and corruption, the procedures for investigating, action to be taken and external reporting.
24. The Palestine Trauma Centre UK will always seek to take disciplinary and/or legal action against those found to have perpetrated or assisted with fraudulent or other improper activities in any of its operations. For personnel, this may include dismissal. It will also seek to recover any assets lost through fraud.

Approval of losses

25. All losses as the result of fraud must be recorded and approved in compliance with the Chair of Board of Trustees.

Specific risk mitigation measures

26. To manage the exposure to bribery and corruption, all gifts and hospitality received by personnel must be approved by the Chair of the Board of Trustees.
27. Conflicts of interest are known to increase the risk of fraud. Therefore all personnel who have an interest in an actual or potential supplier (whether personally, or through family members, close friends or associates) must report that conflict of interest.

Responsibilities

28. The Chair of the Board of Trustees and the Data Protection Officer are responsible for the Palestine Trauma Centre UK's counter fraud work.

ANNEX FURTHER GUIDANCE

29. The Chair of the Board of Trustees and the Data Protection Officer are responsible for creating and implementing the Palestine Trauma Centre UK's counter fraud strategy and for managing the counter fraud function.
30. The Chair of the Board of Trustees and the Data Protection Officer are responsible for recording all instances of actual or suspected fraud, bribery and corruption, ensuring that they are investigated proportionately and appropriately, and reported to external parties. They are also responsible for providing advice and training to personnel on preventing, detecting and investigating fraud. This includes investigating cases where specialist input is required due to the complex nature of the case.
31. The Chair of the Board of Trustees and the Data Protection Officer are responsible for ensuring that their personnel are aware of and support this policy and that all incidents of fraud, bribery or corruption are reported. They are also responsible for ensuring that all incidents of fraud, bribery or corruption in their country are managed and investigated in line with this policy. They should liaise with and support the Counter Fraud Team in doing this.
32. **All personnel** are responsible for complying with this policy.

Definitions

33. **Fraud** is knowingly making an untrue or misleading representation with the intention of making a gain for oneself or another or causing a loss, or risk of loss, to another.
34. **Bribery** is giving or offering someone a financial or other advantage to encourage that person to perform their functions or activities improperly, or to reward someone for having already done so.
35. A **facilitation payment** is a type of bribe. An example is an unofficial payment or other advantage given to a public official to undertake or speed up the performance of their normal duties.
36. **Corruption** is the misuse of entrusted power for personal gain. This would include dishonest or fraudulent behavior by those in positions of power, such as managers or government officials. It would include offering, giving and receiving bribes to influence the actions of someone in a position of power or influence, and the diversion of funds for private gain.
37. A **conflict of interest** is where an individual has private interests that may or actually do influence the decisions that they make as an employee or representative of an organisation.

ANNEX FURTHER GUIDANCE

Approval and review

Approved by	David Harrold
Policy owner	Chair of Board of Trustees
Policy author	Colin Egan Data Protection Officer
Date	09 September 2019
Review date	September 2020

ANNEX FURTHER GUIDANCE

1. FURTHER GUIDANCE ON FRAUD

Summary of legislation

The relevant legislation in the UK is [The Fraud Act 2006](#).

The Fraud Act 2006 defines a general offence of fraud and sets out three ways by which fraud can be committed:

- fraud by false representation. A representation is false if it is untrue or misleading, and the person making it knows that it is, or might be, untrue or misleading.
- fraud by failing to disclose information.
- fraud by abuse of position. This applies to those occupying a position in which they are expected to safeguard, or not to act against, the financial interests of another person.

In each case, the offence is to act dishonestly with the intention of making a gain for oneself or another or causing a loss, or risk of loss, to another. The criminal act is the attempt to deceive and attempted fraud is therefore treated as seriously as accomplished fraud.

Examples of fraud relevant to the Palestine Trauma Centre UK:

Procurement fraud:

- personnel colluding with suppliers and ordering and paying for goods or services that are not required and / or have not been delivered, or are charged at an excessive rate.
- personnel or third parties creating false invoices, receipts, purchase orders or supplier identities in order to obtain payment for goods and services that have not been supplied.
- personnel awarding a contract, or preferential terms, to a supplier in return for payments, personal discounts, commission or other benefits; or awarding a contract to a relative or other connected party.

Fraudulently altering documents or records:

- Grant recipients not spending grant funds on purposes intended, or keeping funds for personal use, and falsifying records to support false claims.
- personnel issuing false receipts to customers in order to keep the funds paid for personal use.
- personnel or third parties altering vendor payment details to divert supplier payments to own bank account.
- personnel fraudulently altering exam papers or exam results, or releasing details of exam papers in return for a bribe or in order to favour a relative.
- personnel fraudulently altering accounting records.

Expenses fraud:

ANNEX FURTHER GUIDANCE

- personnel claiming expenses or allowances to which they are not entitled, including by falsifying receipts.
- personnel using TEX card for personal expenses.
- personnel using Palestine Trauma Centre UK assets, such as mobile phones, for their own personal use.
- personnel or contractors falsifying travel and subsistence or other expense claims.

Fraud involving impersonation:

- personnel or third parties impersonating the Palestine Trauma Centre UK in order to extract fees for a service which the Council does not provide, or does not charge for.
- personnel or third parties submitting false applications from real or fictional individuals or organisation for grants.

Payroll fraud:

- personnel creating non-existent employees for directing payments.
- personnel or temporary personnel making false or inflated claims for overtime or flexible working.

ANNEX FURTHER GUIDANCE

- **FURTHER GUIDANCE ON BRIBERY**

Summary of legislation

The relevant legislation in the UK is [The Bribery Act 2010](#).

The Act makes it an offence to give or receive a bribe, ie to:

- Offer, promise or give a financial or other advantage to another person with the intention of inducing them to perform their functions improperly, or to reward them for having done so.
- Request, agree to receive or accept a financial or other advantage as the reward for an improper function or activity.

It also makes it an offence to bribe a foreign public official. A foreign public official is someone elected or appointed to a legislative, administrative or judicial position in an overseas government or other public agency or organisation. It is an offence to offer such a person a financial or other advantage with the intention of influencing them in the performance of their official duties.

The Act also creates a corporate offence of failing to prevent bribery. This means that the Palestine Trauma Centre UK could be liable if someone offers a bribe on its behalf, including employees and third parties carrying out Palestine Trauma Centre UK business, such as partners and suppliers. The Act applies to UK organisations operating overseas, so the Palestine Trauma Centre UK could be prosecuted if any of its personnel worldwide offer or solicit a bribe; this is why the policy applies globally.

Examples of bribes relevant to the Palestine Trauma Centre UK:

Advantages that could be offered as part of a bribe:

- Cash, vouchers or other cash equivalents, or a “fee”.
- Gifts.
- Hospitality or entertainment (outside what would be modest and reasonable in the business context).
- The Palestine Trauma Centre UK paying travel and accommodation costs to a third party where this is not standard business practice (eg not expenses for personnel or exam invigilators).
- Palestine Trauma Centre UK personnel receiving travel or accommodation free of charge from a supplier.
- Loans.
- Favourable business terms.
- Discount of services, or providing services free of charge (or ‘uninvoiced’).
- Provision of information that offers a business or personal advantage.

Offering or receiving one of the above advantages could count as a bribe if any of the following was offered or given in return:

- Award of contract to particular bidder.
- Performance of normal duties by a foreign public official.

ANNEX FURTHER GUIDANCE

- Obtaining information that would put an individual or the Palestine Trauma Centre UK at an advantage, such as the content of exam papers, or information about a competitive tender.
- Any other preferential treatment influenced by the receipt of an advantage.

The following would not usually count as bribes:

- Payment of an official charge, such as a visa
- Normal hospitality provided in the course of business, such as provision or acceptance of a modest meal at a working event.

Whether a provision of a particular item or service counts as a bribe depends upon the context and level of hospitality (etc) offered. The Bribery Act is not intended to prohibit reasonable and proportionate hospitality or business expenditure. Genuine hospitality or similar business expenditure that is reasonable and proportionate, in line with normal Palestine Trauma Centre UK policy and practice. Judgement is required and the decision depends upon level of hospitality provided and the level of influence the person receiving it had on the business decision in question

ANNEX FURTHER GUIDANCE

2. FURTHER GUIDANCE ON FACILITATION PAYMENTS

A facilitation payment is making a payment or offering an advantage to a public official to undertake or speed up the performance of their normal duties.

Facilitation payments are a form of bribe and are illegal under [The Bribery Act 2010](#).

Examples of facilitation payments relevant to the Palestine Trauma Centre UK:

- Making a payment to clear items through customs. These are not acceptable and must not be made.
- Offering a government minister exceptional hospitality (ie beyond a modest meal) whilst trying to win a contract.
- Making a 'non-official' payment to police to guard a building or provide security services.
- Palestine Trauma Centre UK personnel being offered free meals or accommodation (outside what would be modest and reasonable in the business context) in an effort to obtain favourable treatment.
- Making a payment to pass through border controls.

Exceptions

The Bribery Act recognises that there are circumstances in which individuals are left with no alternative but to make payments in order to protect against loss of life, limb or liberty, and the common law defence of duress is likely to be available.

This might apply in particular to being asked to make a payment to pass through border controls. In these circumstances, personnel should follow these steps:

1. If asked for a payment, refuse. If the official insists, ask them where the requirement for a fee is displayed, and also ask for a receipt.
2. If they continue to insist, without being able to provide evidence that the fee is legitimate, ask for a supervisor and inform them that you would be prosecuted if you make this payment.
3. The Bribery Act recognises that there are circumstances in which individuals are left with no alternative but to make payments in order to protect against loss of life, limb or liberty, and the common law defence of duress is likely to be available. If you feel that refusing to pay puts you at risk of loss of life, limb or liberty make the payment and report it to as soon as possible to your manager and the Head of Counter Fraud. They will decide whether this should be reported to authorities. The fact that you have made it difficult for the official to obtain a bribe may deter them from asking others.

ANNEX FURTHER GUIDANCE