



## Anti-Bribery, Fraud and Corruption Policy – July 2022

**Date of Policy: July 2022**

**Policy approved by: BoT**

**Signature: CA**

**Overall responsibility for policy: Board of Trustees**

**Person responsible for implementation of the policy:**

**Policy applies to:** All trustees, staff and volunteers of **COMPASS-Ghana**

**Date of next review:** July 2023

**COMPASS - Ghana** is committed to conducting its activities in accordance with the ethical and legal standards required by UK law. The integrity of our staff and those with whom we partner and work with is critical to our success. Our supporters, beneficiaries and stakeholders have the right to expect that **COMPASS-Ghana** will observe a high standard of openness and transparency and exercise rigorous stewardship of the funds that we are given to fulfil our charitable mission. This Anti-Bribery, Fraud and Corruption Policy is drafted with these obligations in mind.

### Section One: Introduction

1. Bribery, fraud and corruption may be found in all countries. They may hurt the poor disproportionately, diverting resources intended for development and humanitarian assistance and thereby increasing the costs or reducing availability of basic public services. They may undermine economic growth and be a barrier to poverty alleviation and good governance.
2. **COMPASS-Ghana** works in End-of-Life care across Ghana and other end of life partners across Africa. **COMPASS-Ghana** adopts a zero-tolerance approach to bribery, fraud and corruption. We are committed to acting professionally, fairly and with integrity in all our business dealings and relationships wherever we operate. COMPASS Ghana is committed to implementing and enforcing effective systems to counter bribery. In particular, we are committed to compliance with the UK Bribery Act 2010, and the Fraud Act 2006, in respect of our conduct both at home and abroad. The UK Bribery Act 2010 applies to individuals and all organisations carrying out business in the UK, including the charitable sector. The territorial jurisdiction of the prosecutors extends to offences committed both in the UK and abroad.
3. The purpose of this policy is to Set out COMPASS Ghana's responsibilities, and of those working for/with us, in observing and upholding our position on bribery, fraud and corruption; and provide information and guidance to those working for us on how to recognise and deal with bribery, fraud and corruption issues.
4. The risk of bribery, fraud and corruption will also be incorporated into the development of our risk register.

### Section Two: What is Bribery?

5. A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.



## Anti-Bribery, Fraud and Corruption Policy – July 2022

Compassionate Palliative Services

6. A bribe can take many forms and be of any size. Where the offer or receipt is intended for an employee's family or friends, or when bribery takes place through third parties, it is still considered to be a bribe. Annex 1 contains a short list of high-risk situations.

7. The following are some simple examples of bribery:

- ✿ A potential supplier offers you some money, gift or reduced fee, in order to undermine a tendering process
- ✿ A job applicant offers to pay to increase his/her chance of being offered employment
- ✿ You offer a gift (e.g. excessive hospitality connected to a training course), in return for approval of a development application
- ✿ A customs official asks you for an unofficial payment or gift to release imported goods
- ✿ A government official asks you for payment in order to secure your NGO registration

### Section Three: What is Fraud?

8. 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.

9. Falling victim to fraud can undermine a charity's reputation, damage donor confidence and reduce a charity's ability to help its beneficiaries, so it is important to take steps to prevent the risk of fraud as far as possible.

10. Fraud can be committed by someone within the charity (internal fraud) as well as by people that are not directly involved in the organisation (external fraud), so it is important to be vigilant in monitoring employees, trustees and volunteers as closely as external contractors.

11. The following are some examples of internal fraud:

- ✿ An employee keeps cash or cheque donations meant for the charity for themselves
- ✿ Charity credit/debit cards are misused by paid employees, trustees or volunteers
- ✿ Staff or volunteers claim false or inappropriate expenses
- ✿ An employee knowingly receives a wrong salary or allowance and does not report it
- ✿ An employee abuses a position of trust and/or power within their organisation to override any financial controls

12. The following are some examples of external fraud:





## Anti-Bribery, Fraud and Corruption Policy – July 2022

Compassionate Palliative Services

- ✿ Someone hijacks a charity's bank account or creates a fake but very similar website with a donation link
- ✿ A contractor under-delivers or over-charges for goods or services
- ✿ Fraudsters extract money from a charity by posing as a contractor that the charity currently uses and convinces the charity to change the bank account details that they have on file for that contractor to a fraudulent account. Fraudsters have been successful in doing this by:
  - sending emails from an email address very similar to the real contractor's address
  - sending a letter using the real contractor's logo; or,
  - trying to change details over the phone.
- ✿ Cyber fraud is becoming increasingly common. Examples of cyber fraud include - phishing emails where a fraudster impersonates an employee or reputable company to get the charity to reveal security information such as credit card details and passwords etc; ransoming of charities data; and hacking a charity's computer or network.
- ✿ Unauthorised fundraising in a charity's name. For example, someone could create a fake page on a fundraising website such as JustGiving, or a fake street collection in a charity's name with no intention of donating the money

*Annex 2 provides a list of red flags which may indicate potentially fraudulent activity and should trigger further investigation.*

### Section Four: What is Corruption?

13. Corruption is the misuse of entrusted power for personal gain. This would include dishonest or fraudulent behaviour 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.

### Scope and Purpose

14. This policy applies to all members of **COMPASS-Ghana** staff, volunteers and to members of the Board of Trustees when fulfilling their duties. In addition, this policy also applies to all other persons acting for **COMPASS-Ghana**, whether directly or indirectly, such as consultants, contractors and partners. To the fullest extent permissible by law, this policy shall apply in all jurisdictions in which **COMPASS-Ghana** operates.

15. Preventing, detecting and reporting bribery, fraud and corruption in line with this policy is the responsibility of all those outlined in the paragraph above.

16. Any employee who breaches this policy may face disciplinary action, which could result in dismissal for misconduct or gross misconduct. We reserve our right to dismiss staff if they breach this policy. Legal penalties may also apply (see Section 5 below).



## Anti-Bribery, Fraud and Corruption Policy – July 2022

Compassionate Palliative Services

17. For other associated persons, Partners or contractors, breach of this policy may result in contractual, legal or other sanctions.

### Section Five: Legal Penalties

18. Individuals found guilty of a bribery offence can face fines or prison sentences of up to ten years. **COMPASS-Ghana** may face unlimited fines if it is found to have “failed to prevent” bribes being made or received by staff or associated persons. Therefore this policy extends to individuals and companies who, whilst not directly employed by **COMPASS-Ghana**, are acting on its behalf.

### Section Six: What is not acceptable?

19. It is not acceptable for anyone to whom this policy applies:

- ✿ to engage in bribery (whether giving or receiving), as defined in Section 2 above, fraud, as defined in Section 3, or corruption, as defined in Section 4, or otherwise engage in any activity that might lead to a breach of this policy;
- ✿ to fail to report any concerns which are required to be reported under this policy;
- ✿ to threaten or retaliate against another individual who has refused to commit a bribery offence or who has raised concerns under this policy.

### Section Seven: Staff, Volunteer and Trustee Responsibilities

20. All staff, volunteers and trustees must ensure that they read, understand and comply with this policy.

21. The prevention, detection and reporting of bribery, fraud and other forms of corruption are the responsibility of all those working for us or under our control. All staff are required to avoid any activity that might lead to, or suggest, a breach of this policy.

22. Employees, volunteers and trustees should notify the Director (contact details at the bottom of this document) as soon as possible if they believe a conflict with this policy has occurred or may occur in the future. For example, if a supplier or potential supplier offers a member of staff something to gain a business advantage with us, or indicates to a member of staff that a gift or payment is required to secure their business. If the suspected conflict concerns the Director, then the Chair of the Board of Trustees, or the Secretary (contact details at the bottom of this document) should be informed.

23. **COMPASS-Ghana** encourages everyone to speak up and report any concerns they may have about bribery, corruption or fraudulent activity. This is a key part of **COMPASS-Ghana's** commitment to ethical and legal compliance. **COMPASS-Ghana** is committed to ensuring that individuals making reports in good faith do not suffer any detrimental effect as a result.

24. If a person feels they are not able to report their concerns, they should still consider reporting them by means of **COMPASS-Ghana's** Whistleblowing Policy.

25. All reports of actual or suspected fraud, bribery and corruption will be recorded in the Fraud, Bribery and Corruption Incident Register (Appendix III) and saved electronically on the server. Records should include



## Anti-Bribery, Fraud and Corruption Policy – July 2022

Compassionate Palliative Services

details of the actual or suspected incident; the action taken; and the outcome of any investigation. We will use this information to inform our review of the risks and the effectiveness of our controls.

### Section Eight: Record-Keeping

26. **Financial Records:** Financial records must be kept and appropriate internal controls must be put in place which will evidence the business reason for making payments to third parties. All invoices, other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, should be prepared and maintained accurately and completely. No accounts shall be kept "off-book". Further details can be found in the Finance Policy and Accounting Manual.

27. **Hospitality and Gifts:** Written records of all hospitality or gifts accepted or offered must be declared and kept, which will be subject to managerial review. All expenses claims relating to hospitality, gifts or expenses incurred to third parties must be submitted and specifically record the reason for the expenditure. See Section 9 for more detail.

28. **Conflicts of Interest:** Conflicts of interest are known to increase the risk of fraud. Therefore, all staff who have an interest in an actual or potential supplier or relevant third party (whether personally, or through family members, close friends or associates) must report that conflict of interest to their manager and this must be recorded in the Staff and Volunteer Register of Interests and Loyalties (Appendix I) and stored electronically on the server.




29. Managers must be made aware of any potential conflicts of interest or loyalty so that this may be considered in relation to their role and decision-making within the charity. Where a potential conflict of interest or loyalty may prevent the staff member or volunteer from acting solely in the best interests of the charity in relation to a particular matter, that member should be prevented from taking part in any decision-making processes regarding that matter.

30. Conflicts of interest relating to trustees are dealt with by the Trustees Conflict of Interest policy.

### Section Nine: Gifts and Hospitality

31. Hospitality offered may include meals, accommodation, travel costs, or entertainment.

32. This policy allows reasonable and appropriate hospitality or entertainment given to or received from third parties, for the purposes of:

-  establishing or maintaining good business relationships.
-  improving or maintaining our image or reputation; or
-  marketing or presenting our products and/or services effectively.

33. However, hospitality must not be accepted by COMPASS-Ghana employees in circumstances which may allow the employee to appear to be unduly influenced in favour of the provider of the hospitality. The gift or receipt of hospitality which is aimed at securing an improper business or other advantage, or which may affect the recipient's independence is not permissible under this policy.



## Anti-Bribery, Fraud and Corruption Policy – July 2022

Compassionate Palliative Services

34. Hospitality can amount to bribery. For example, being offered unnecessary accommodation in a luxury hotel by a potential supplier might be considered to be seeking preferential treatment. The key point is the need for great care, transparency and proper processes when dealing with hospitality. This applies equally where hospitality is given (or proposed to be given) as to where it is received (or offered). There is no “cut off” point at which gifts and hospitality are considered too small to amount to bribery. This is because the purpose behind the hospitality is always important.
35. Partners should be made aware of the Gifts and Hospitality guidelines, in order to help avoid misunderstandings and awkward situations where gifts and/or hospitality may need to be refused.
36. All gifts and hospitality received by members of staff or volunteers with an estimated value in excess of £10 should be recorded in the Staff and Volunteer Gift and Hospitality Register (see Appendix II below) and stored electronically on the server.
37. All gifts and hospitality with an estimated value in excess of £25 (or £10 or local equivalent in East Africa) should be reported to a Director, and in the case of the Directors, to each other.
38. Gifts with a value of under £50 can be accepted providing that the gift is not given or accepted with an expectation that there is any obligation owed as a result of the gift. Where a gift is offered which exceeds the value of £50, where possible it should be declined or returned to the sender. Should this not be appropriate, the market price should be paid or the gift donated to **COMPASS-Ghana** as an organisation, or to another charitable organisation as appropriate, and recorded in the Staff and Volunteer Gift and Hospitality Register (Appendix II).
39. On occasion, hospitality with a value estimated at over £50 may be accepted if, for example, a partner offers to provide accommodation at their home. In such cases, payment in return for the hospitality may not be appropriate. The intention behind the offer of hospitality must be carefully considered when deciding whether or not to accept the hospitality. When hospitality is accepted with an estimated value of over £50, the reasoning should be shared with the Directors and documented appropriately in the Staff and Volunteers Register of Gifts and Hospitality.
40. Caution should be exercised in relation to hospitality. If in any doubt about the propriety of hospitality, do not offer or receive it, even if from long-standing and trusted business partners.
41. If in doubt, employees should take advice from their manager (or from the other Director in the case of Directors) before accepting hospitality. It should be stressed that the timing of hospitality in relation to any potential conflict may be relevant in deciding its appropriateness.

### Section Ten: Facilitation Payments and Kickbacks

42. Facilitation payments, also known as “back-handers” or “grease payments” are typically small, unofficial payments made to government officials to secure or expedite a routine service or necessary action to which there is already entitlement. For example, an official may request an undue payment to issue a visa.



## Anti-Bribery, Fraud and Corruption Policy – July 2022

Compassionate Palliative Services

43. Facilitation payments do not, however, only arise in relation to government officials – any payment to ‘smooth the way’ that is not legally and ethically justifiable is potentially relevant. Kickbacks are typically payments made in return for a business favour or advantage. **COMPASS-Ghana** does not offer or make, and shall not demand or accept, facilitation payments or kickbacks of any kind.

44. ***How do I recognise a facilitation payment:*** You should consider what the payment is ostensibly being asked for and whether the amount requested appears relevant and proportionate to the matter in hand.

- ✿ You should always ask for clarification, preferably written, if in doubt about what you are being asked for.
- ✿ Sometimes you may need to seek further advice to distinguish between properly payable fees and disguised requests for facilitation payments.

45. If a **COMPASS-Ghana** employee has any suspicions or concerns in respect of a payment then, subject to the following paragraph, they must not make the payment. Employees must report those concerns using the processes under Sections 7 and 8 above.

46. **COMPASS-Ghana** recognises that a person could face a request for such payments in circumstances of duress, including actual or implied threat to their personal safety. There may also be emergency situations which may be exploited by third parties to extract a bribe.

47. Common sense must be used in deciding whether to make a payment in such circumstances. **COMPASS-Ghana** will not penalise payments made in such circumstances. Where such circumstances apply, **COMPASS-Ghana** employees must as soon as possible report the circumstances using one of the processes under Sections 7 and 8 above. The reporting of any incident is essential.

### Section Eleven: Communication

48. **COMPASS-Ghana’s** zero-tolerance approach to bribery, fraud and corruption must be communicated to all suppliers, contractors and business partners at the outset of our business relationship with them and as appropriate thereafter. Our policy will form part of partnership agreements and **COMPASS-Ghana** will undertake necessary due diligence on business partners before entering into agreements and contracts with them.

49. **COMPASS-Ghana** will ensure that all staff are made aware of this policy and their responsibilities under it. This will be part of the staff induction process.

### Section Twelve: Who is Responsible for the policy

50. The **COMPASS-Ghana** 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.

51. The **COMPASS-Ghana** Director, John P A Davies, exercises responsibility for its implementation, monitoring and review.



## Anti-Bribery, Fraud and Corruption Policy – July 2022

Compassionate Palliative Services

52. Senior **COMPASS-Ghana** staff have primary and day-to-day responsibility for implementing this policy, for monitoring its use and effectiveness, and are responsible for ensuring those reporting to them are made aware of and understand this policy and their responsibilities.

53. The Board of Trustees has primary responsibility for dealing with any queries on its interpretation.

### Section Thirteen: Monitoring and Review

54. Effectiveness in implementation of this policy will be reviewed annually and monitored regularly considering its suitability, adequacy and effectiveness. Any improvements identified will be recommended to the Board of Trustees and made as soon as possible. Internal control systems and procedures will be reviewed to provide assurance that they are effective in countering bribery, fraud and corruption.

55. The policy will be reviewed every three years by the Board of Trustees.

56. All staff are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.

57. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the **COMPASS-Ghana** Chair of Trustees or the Director.

58. This policy does not directly form part of any employee's contract of employment and it may be amended at any time.

### Contact Details

#### Director: John P A Davies

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#### Board of Trustees Chair: Dr Cecilia Akrisie Anim CBE

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## Anti-Bribery, Fraud and Corruption Policy – July 2022

Compassionate Palliative Services

### Annex 1: 'High Risk' Areas

1. The provisions of this policy clearly state that **COMPASS-Ghana** must remain vigilant and proactively seek to identify and avoid bribery, fraud and corruption.
2. Whilst it would be impossible to list all of the potential bribery situations that may be encountered, certain areas and business relationships require particular scrutiny, for example improper hospitality (see Section 9) and facilitation payments (see Section 10).
3. Such 'high risk' areas will change over time as circumstances dictate. However, for COMPASS Ghana areas of high risk which will require enhanced levels of due diligence and caution will almost certainly include the following:
  - ✿ Agents and Intermediaries, particularly those who operate in a jurisdiction where bribery is prevalent or endemic;
  - ✿ Activity undertaken in partnerships or consortia where COMPASS Ghana could be held liable for any bribery or corruption committed by a third party with whom COMPASS Ghana is associated;
  - ✿ All aspects of the procurement of goods and services carried out by CHASE Africa



## Anti-Bribery, Fraud and Corruption Policy – July 2022

Compassionate Palliative Services

### Annex 2: “Red Flags”:

#### Advice for **COMPASS-Ghana** Employees, Associates and Partners

1. The following is a list of possible red flags that may arise during the course of your work and which may raise concerns under various anti-bribery, fraud and corruption laws. The list is not intended to be exhaustive and is for illustrative purposes only.
2. If you encounter any of these red flags while working for us, you must report them promptly as per Sections 7 and 8 of the Anti-Bribery, Fraud and Corruption Policy.
  - a. You become aware 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 with us, or carrying out a government function or process for us;
  - 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 an unexpected additional fee or commission to "facilitate" a service;
  - f. A third party demands entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
  - g. A third party requests that a payment is made to "overlook" potential legal violations;
  - h. A third party requests that you provide employment or some other advantage to a friend or relative;
  - i. A third party insists on the use of side letters or refuses to put terms agreed in writing;
  - j. You notice that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided;
  - k. 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 us;
  - l. You are offered an unusually generous gift or lavish hospitality by a third party.
3. The following list provides a range of common red flags indicating fraudulent activity amongst employees. The following do not always indicate fraudulent activity is being committed but should trigger further investigation to help detect fraud and mitigate losses:
  - a. The need to have sole responsibility or the final say in a decision



## Anti-Bribery, Fraud and Corruption Policy – July 2022

Compassionate Palliative Services

- b. Excessively controlling
- c. Changes in lifestyle and living beyond ones means – unexpected new house, expensive clothes, car, jewellery etc.
- d. Significant personal debt and/or credit problems – may drive employees to commit fraud.
- e. Borrowing money or requests for pay advances – financial difficulties are a common drive to commit fraud
- f. Easily annoyed at reasonable questions – may indicate guilt or a reluctance to go into further detail due to the need to hide information
- g. Unusually close association with a vendor, supplier, donor or partner



## Anti-Bribery, Fraud and Corruption Policy – July 2022

Compassionate Palliative Services

### Appendix I – Staff and Volunteer Register of Interests and Loyalties

1. Staff members and volunteers are asked to declare their interests and loyalties in connection with their role in the charity, either orally or in writing to their manager (or in the case of the Directors, to the Board of Trustees).
2. This should be recorded in the format below and stored in the Staff and Volunteer Register of Interests and Loyalties, saved electronically on the server.
3. The register of interests and loyalties should be updated when new staff members and volunteers are recruited and as and when new potential conflicts of interest arise.

<b>Name of Staff or Volunteer Member</b>	<b>Description of interest or Loyalty</b>	<b>Does the interest or loyalty affect the staff or volunteer member Or a person connected to them?</b>	<b>Is the interest or Loyalty current?</b>



## Anti-Bribery, Fraud and Corruption Policy – July 2022

Compassionate Palliative Services

### Appendix II – Staff and Volunteer Register of Gifts and Hospitality

1. All gifts to, and hospitality for, staff and volunteers with an estimated value in excess of £10, should be declared and recorded in the format below, and stored in the Staff and Volunteer Register of Gifts and Hospitality, saved electronically on the server.

2. All gifts and hospitality with an estimated value in excess of £25 (or £10/ local equivalent in West Africa) should be reported to the staff member/ volunteer's manager (or to the other Director in the case of the Directors) and particular caution taken with regards to accepting the gift / hospitality.

Name of trustee	Description of gift/ hospitality	Estimated value	Date received	Who gave the gift/ hospitality?	Reason for the gift/hospitality?	What was done with the Gift?



## Anti-Bribery, Fraud and Corruption Policy – July 2022

Compassionate Palliative Services

### Appendix III – Fraud, Bribery and Corruption Incident Register

1. All reports of actual or suspected fraud, bribery and corruption will be recorded in the Fraud, Bribery and Corruption Incident Register and saved electronically on the server.

<b>Date of incident</b>	<b>Description of actual or suspected incident</b>	<b>People / organisations involved</b>	<b>Action taken</b>	<b>Outcome of any investigation</b>