

**Anti-fraud, bribery and corruption policy**

**Policy summary**

The Ellen MacArthur Cancer Trust (“the Trust”) has a ‘zero tolerance’ stance towards fraud, bribery and corruption. It will always seek to take disciplinary and/or legal action against those found to have perpetrated fraud.

The Trust is committed to developing an anti-fraud culture and to keeping the opportunities for fraud, bribery and corruption to the absolute minimum.

The Trust will assess the risks of fraud, bribery and corruption, establish processes and controls to minimise these risks, and it will regularly review the effectiveness of its control systems.

The Trust requires all staff and Trustees to report immediately any incidents or suspicions of fraud, bribery or corruption to an appropriate manager or another person named in clause 16. The Trust will not penalise anyone for raising a concern in good faith.

The Trust will take all reports of fraud, bribery and corruption seriously, and investigate them proportionately and appropriately .

The Trust requires all those receiving Trust funds or representing the Trust, including its suppliers, grant recipients, partners, contractors, volunteers and agents, to act in accordance with this policy. This includes reporting to the Trust any suspected or actual instances of fraud, bribery or corruption involving Trust assets, its staff or Trustees.

## **Introduction**

1. The Trust complies with applicable legislation, including the Fraud Act 2006, the Bribery Act 2010 and with other regulatory requirements. Its Trustees are required under charity law to safeguard the assets of the charity.
2. The Trust is committed to conducting itself 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 Trust'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 Trust worldwide, including separate legal entities (if any) owned and controlled by the Trust.
5. This policy is applicable to, and must be followed by, all staff and Trustees including consultants and contractors. Failure to comply could result in disciplinary and/or legal action, including dismissal.
6. The Trust requires all those receiving Trust funds or representing the Trust, including its suppliers, grant recipients, partners, contractors, volunteers and agents to act in accordance with this policy.

## **Policy**

### **Policy Statement**

7. The Trust has a 'zero tolerance' stance towards fraud, bribery and corruption. This means that the Trust:
  - a) does not accept any level of fraud, bribery or corruption within the organisation or by any other individual or organisation receiving the Trust's funds or representing the Trust; 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 Trust is committed to developing an anti-fraud culture and keeping the opportunities for fraud, bribery and corruption to the absolute minimum. Staff, Trustees and volunteers are encouraged to raise any suspicion or concern, however small or immaterial this may seem.
9. The Trust requires all staff and its Trustees to act honestly and with integrity to safeguard the resources and reputation of the Trust at all times.

## **Risk and internal control systems**

10. The Trust will seek to assess the nature and extent of its exposure to the risks of internal and external fraud, bribery and corruption. It will review these risks annually, using information on actual or suspected instances of fraud, bribery and corruption to inform its review.
11. The Trust 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 Trust will make all those receiving Trust funds or representing the Trust, including its suppliers, grant recipients, partners, contractors, volunteers and agents aware of this policy.
13. When appropriate, the Trust will work with relevant stakeholders, including comparable organisations, relevant regulators and government organisations to tackle fraud.
14. The Trust 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**

15. All staff 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.
16. Reports should be made to the Chief Executive Officer (“CEO”) (or the Chair of the Trustees during the CEO’s absence or if the concern relates to the CEO). If staff are not comfortable reporting their concerns to these people, they should contact the Trustee who is the Chair of the Trust’s Finance & Investment Committee. In the event of a report being made to the CEO, he will inform the Chair of the Trustees and the Trustee who is the Chair of the Trust’s Finance & Investment Committee within 48 hours of the fraud, bribery or corruption being reported to the CEO. The two Trustees, together with the CEO, will decide on the appropriate course of action to be taken with regard to further reporting, taking into account this Policy.
17. The Trust also requires all those receiving Trust funds or representing the Trust, including its suppliers, grant recipients, partners, contractors, volunteers and agents to report any suspected or actual instances of fraud, bribery or corruption involving, without limitation, the Trust’s assets or staff or Trustees.
18. The Trust will not penalise anyone for raising a concern in good faith, even if it turns out to be unfounded. Any member of staff or a Trustee who harasses or victimises someone for raising a concern in good faith will themselves be subject to disciplinary and/or legal action.
19. The Trust 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

20. The Trust will fully meet its obligations to report fraud, bribery and corruption to third parties.

## Investigation

21. The Trust will take all reports of actual or suspected fraud, bribery and corruption seriously, and investigate proportionately and appropriately as set out in this policy.
22. The Trust 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 staff, this may include dismissal. It will also seek to recover any assets lost through fraud.

## Specific risk mitigation measures

23. To manage the exposure to bribery and corruption, the staff and Trustees must comply with the Trust's Policy on Gifts and Hospitality. No payment (whether it be a facilitation payment or otherwise), gift or service is to be made to or received from any Public Official without prior notification to (and the approval of) the CEO and Chair of the Trustees.
24. Conflicts of interest are known to increase the risk of fraud. Therefore, all staff 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 to the Trust's CEO.

## Responsibilities

25. **All staff and Trustees** are responsible for complying with this policy.

## Definitions

26. **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.
27. **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.
28. **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.
29. **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.

30. 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.

31. **Public Official** means any person in public office.

**Links to related policies and procedures:**

[Gifts and hospitality Policy](#)

## 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 Trust:

Procurement fraud:

- Staff 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.
- Staff 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.
- Staff 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.
- Staff issuing false receipts to customers in order to keep the funds paid for personal use.

- Staff or third parties altering vendor payment details to divert supplier payments to own bank account.
- Staff 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.
- Staff fraudulently altering accounting records.

#### Expenses fraud:

- Staff claiming expenses or allowances to which they are not entitled, including by falsifying receipts.
- Staff using the Trust's bank and/or credit cards for personal expenses.
- Staff, without the consent of the CEO, using the Trust's assets, such as mobile phones, for their own personal use.
- Staff or contractors falsifying travel and subsistence or other expense claims.

#### Fraud involving impersonation:

- Staff or third parties impersonating the Trust in order to extract fees for a service which it does not provide, or does not charge for.
- Staff or third parties submitting false applications from real or fictional individuals or organisation for grants.

#### Payroll fraud:

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

## **2 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 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 Trust could be liable if someone offers a bribe on its behalf, including employees and third parties carrying out the Trust's business, such as partners and suppliers.

**Examples of bribes relevant to the Trust:**

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 acceptable under the Trust's Policy on Gifts and Hospitality).
- The Trust paying travel and accommodation costs to a third party where this is not standard business practice (e.g. not expenses for staff, Trustees, young person's being assisted by the Trust and its volunteers).
- 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.
- Obtaining information that would put an individual or the Trust at an advantage, such as 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.
- Hospitality that complies with the Trust's Policy on Gifts and Hospitality.