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Anti Corruption and Bribery Policy

Policy statement

It is the policy of the British Paralympic Association (BPA) to conduct all of its business in an honest and ethical manner. BPA takes a zero-tolerance approach to bribery and corruption and is committed to acting professionally, fairly and with integrity in all its business dealings and relationships.

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

The purpose of this policy is to:

- (a) set out BPA's responsibilities and of those working for the BPA, in observing and upholding BPA's position on bribery and corruption; and
- (b) to provide information and guidance to those working for BPA on how to recognise and deal with bribery and corruption issues.

Bribery and corruption are punishable for individuals by up to ten years' imprisonment and if BPA are found to have taken part in corruption BPA could face an unlimited fine, be excluded from tendering for public contracts and face damage to its reputation. BPA therefore takes its legal responsibilities very seriously and BPA have conducted a risk assessment to identify any key areas which may potentially pose a particular risk to its organisation.

In this policy, 'third party' means any individual or organisation that comes into contact with the BPA during the course of its work includes actual and potential clients, customers, suppliers, distributors, business contacts, agents, advisers and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

Who is covered by the policy?

This policy applies to all BPA Board members, employees (whether permanent, fixed-term or temporary), consultants, contractors, trainees, seconded staff, casual workers and agency staff, volunteers, interns, agents, sponsors, or any other person associated with the BPA, or any of BPA's subsidiaries or their employees, wherever located (collectively referred to as individuals in this policy).

What is bribery?

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

Examples:

Offering a bribe

An individual offers a potential client tickets to a major sporting event, but only if they agree to do business with the BPA. This would be an offence as the individual is making the offer to gain a commercial and contractual advantage. BPA may also be found to have committed an offence because the offer has been made to obtain business for it.

Receiving a bribe

A supplier gives an individual a job, but makes it clear that in return they expect the individual to use their influence in the organisation to ensure BPA continues to do business with them. It is an offence for a supplier to make such an offer. It would be an offence for the individual to accept the offer as they would be doing so to gain a personal advantage.

Bribing a foreign official

An individual arranges for the BPA to pay an additional payment to a foreign official to speed up procurement for a project. The offence of bribing a foreign public official has been committed as soon as the offer is made. This is because it is made to gain a business advantage for the BPA. BPA may also be found to have committed an offence.

Gifts and hospitality

This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties. Genuine hospitality, promotional or similar business expenditure that is reasonable and proportionate is not caught by the Act.

The level of hospitality offered, the way in which it was provided and the level of influence the person receiving it had on the BPA must be proportionate and reasonable, so the giving or receiving of tickets to sporting events, taking clients to dinner, offering or receiving gifts as a reflection of good business relations is not in contravention of the Act if that is reasonable and proportionate for a sports organisation such as the BPA.

The giving or receipt of gifts is not prohibited, if the following requirements are met:

- it is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
- it complies with local law;
- it is given in BPA's name, not in an individual's name;
- it is appropriate in the circumstances. For example, in the UK it is customary for small gifts to be given at Christmas time;
- taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time;
- it is given openly, not secretly; and
- gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the BPA's CEO

BPA appreciates that the practice of giving business gifts varies between countries and regions and what may be normal and acceptable in one region may not be in another. The test to be applied is whether in all the circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.

What is not acceptable?

It is not acceptable for an individual (or someone on their behalf) to:

- give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
- accept payment from a third party that an individual knows or suspect is offered with the expectation that it will obtain a business advantage for them;
- accept a gift or hospitality from a third party if an individual knows or suspect that it is offered or provided with an expectation that a business advantage will be provided by the BPA in return;
- threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy; or
- engage in any activity that might lead to a breach of this policy.

Facilitation payments and kickbacks

BPA do not make, and will not accept, facilitation payments or "kickbacks" of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a routine government action by a government official. They are not commonly paid in the UK, but are common in some other jurisdictions.

If an individual is asked to make a payment on BPA's behalf, the individual should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. The individual should always ask for a receipt which details the reason for the payment. If the individual has any suspicions, concerns or queries regarding a payment, they should raise these with the BPA CEO.

Kickbacks are typically payments made in return for a business favour or advantage. All individuals must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by the BPA.

Donations

BPA does not make contributions to political parties. BPA will 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 BPA CEO.

Individual's responsibilities

An individual must ensure that they have 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 the BPA or under its control. All individuals are required to avoid any activity that might lead to, or suggest, a breach of this policy (to assist, Appendix 1 lists potential red flags of which to be aware).

Any employee who breaches this policy will face disciplinary action, which may result in dismissal. BPA reserve the right to terminate its contractual relationship with other workers and organisations if they breach this policy.

Record-keeping

BPA must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

Individuals must declare and keep a written record of all hospitality or gifts accepted or offered in accordance with the BPA's gift policy.

Individuals must also ensure that all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with BPA's expense policy.

How to raise a concern

An individual is encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If an individual is unsure whether a particular act constitutes bribery or corruption, or if there are any other queries, these should be raised with the BPA CEO. They should be raised as a concern as soon as possible if an individual believes or suspects that a conflict with this policy has occurred, or may occur in the future.

Example:

If a client or potential client offers an individual something to gain a business advantage with the BPA, or indicates to the individual that a gift or payment is required to secure their business.

Concerns should be reported by following the procedure set out in our Whistle blowing Policy.

What to do if an individual is a victim of bribery or corruption

It is important that an individual tells the BPA CEO as soon as possible if they are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that they are a victim of another form of unlawful activity.

Protection

Individuals who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. BPA aims to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.

BPA 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 their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.

BPA's zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors and business partners at the outset of any business relationship with them and as appropriate thereafter.

Who is responsible for the policy?

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

The BPA Finance and Corporate Services Director has primary and day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation. Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this policy.

The BPA Finance and Corporate Services Director will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy and effectiveness. Any improvements identified will be made as soon as possible. Internal control systems and financial procedures will be subject to regular audits to promote best practice in countering bribery and corruption.

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

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Appendix

Potential risk scenarios: "red flags"

The following is a list of possible red flags that may arise during the course of working for the BPA and which may raise concerns under various anti-bribery and anti-corruption laws.

The list is not intended to be exhaustive and is for illustrative purposes only.

If an individual encounters any of these red flags while working for us, they must report them promptly using the procedure set out in the Whistleblowing Policy:

- become aware that a third party engages in, or has been accused of engaging in, improper business practices;
- 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;
- a third party insists on receiving a commission or fee payment before committing to sign up to a contract, or carrying out a government function or process;
- 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;
- a third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business;
- a third party requests an unexpected additional fee or commission to "facilitate" a service;
- a third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
- a third party requests that a payment is made to "overlook" potential legal violations;
- a third party requests that there is employment provided or some other advantage to a friend or relative;
- receive an invoice from a third party that appears to be non-standard or customised;
- a third party insists on the use of side letters or refuses to put terms agreed in writing;
- notice that BPA have been invoiced for a commission or fee payment that appears large given the service stated to have been provided;
- 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 the BPA; or
- are offered an unusually generous gift or offered lavish hospitality by a third party.