



General Guidance

A succinct guide to the new legislation in layman's terms explaining the main provisions of the Bribery Act, corporate liability, and individual liability risks for directors and senior management.

Q . What does it contain?

A. Explanation of the law and how bribery can occur within the organisation

Explanation of Internal ethical standards

The rationale for adopting an ethical approach

How the individual directors are liable for the transgressions of others

Explanation of the strict liability corporate offence and “adequate procedures”

Q What format is it in?

A. An easy to follow workbook in a PDF format.

Q. How will it help me?

A. It will give you the basic knowledge and understanding of the new legislation and compliance regime to assist you in using the other tools and downloads in the package.

Risk Assessment Template

An easy to follow tool to help you through the process of identifying your areas of vulnerability to bribery to enable you to focus future remedial action, together with documents to assist you.

Q. Why have a risk assessment?

A. A risk assessment process gives the company a systematic view of where bribery risks lie and as a result it can design detailed policies and procedures accordingly. Every company faces a range of bribery risks that must be assessed to enable it to design an adequate anti-bribery programme. The Bribery Act has a strict corporate liability provision, covering all aspects of bribery by employees. However, the

company must necessarily compromise between managing all risks and committing resources to countering significant risks, recognising that it cannot practically reduce risks of bribery to zero.

Q How does it work?

A. The template guides you through the questions you need to ask when developing your risk assessment process

It will help you decide on responsibilities for oversight of the risk assessment and set control objectives.

Q. What areas will it cover?

A. It will involve the type of business the company is involved in and the locations and business sectors it operates together with the corruption risks inherent in those activities. The assessment will attempt to estimate the likelihood of the occurrence of the risks and their impact on the company. It will particularly address

Organisational structure

Countries in which it operates,

Local business conditions and customs;

Business sectors including competitors' practices;

Dependence on critical licences;

Business practices of the company;

Employees (level of skill, length of service,

Operational functions of the business; and

The form and nature of its local business relationships with agents, distributors, suppliers, joint venture and consortia partners and the extent of interaction with public officials, all of which can radically alter the company's risk profile.

Q. Is it time consuming?

A. The development of your risk assessment procedure will require consultation across your business. Management and employees, particularly at local level, will have a good idea where the risks of bribery lie and the assessment will include consultation with employees who are on the front line for the company and thus know specific risks and deficiencies. You may also need to consult with partners, suppliers etc. The template will include sample questionnaires, telephone interviews and e-mails to assist in this process. The bribery centre will have links to resources and contacts to assist in the risk assessment process eg. TI's Corruption Perceptions, Bribe Payers Index, Global Corruption Barometer, National Integrity Studies, The World Bank Governance Indicators, etc.

It is useful to remember that the information gathered through the risk assessment process will be useful for commercial as well as compliance reasons.

It is also advantageous, not only for the transparency, to publish your risk assessment process both internally and to external partners, suppliers and customers

Gap Analysis Template

A checklist that helps you to compare your current practices with current ethical standards and legislative guidance

Q. How does it work?

A. Following your initial guidance and risk assessment, you can then follow this checklist which sets out questions relating to your current standing in all the areas you need to cover for compliance, based on international best standards and business principles. The checklist will allow you to comment on areas that you fall short and guide you towards an implementation plan

Q. How detailed is it?

A. It is very detailed. You will be asked in the region of 200 questions about your business, structures, people, processes and operations. But don't worry, the template, together with your risk assessment, will assist you to prioritise the areas you need to concentrate on, and grade your planned responses. It will feed into the implementation plan.

Implementation Plan

A template to help you develop and deliver an anti bribery programme in order to achieve and maintain compliance

Q. How does this fit in?

A. This is a key document, as it will be the living document that will initiate and manage your anti-bribery programme. It will prompt you to assign responsibilities for the actions required identified in the gap analysis, project manage them, and be a ready reference of your progress towards compliance and ethical best practice. It is from this document that all the following documents and controls will emanate.

Policy Template

Allows you to create an anti bribery policy to suit the needs of your particular organisation.

Q. Why do we need this?

A. Having a clearly stated zero tolerance anti bribery policy is essential to compliance and an effective anti-bribery programme.

Q. We already have a Code of Conduct that contains our policy on various things, do we need another?

A. The policy template is just a format that contains all the points you need to cover in a form of words you can adapt. You can integrate it into your existing Code, but we would suggest, at least in the first instance, you keep it separate. As part of your implementation plan, you will be encouraged to communicate your policy widely, and having it as a stand-alone policy will not only assist in this process, but will send out the right message. We will also supply suggested emails and newsletters to assist in this process.

Q. How much information should be in this policy?

A. This is flexible, but we would recommend some key statements and definitions, and reference to more specific operating procedures and guidelines e.g. Gifts, hospitality, expenses etc. Again, these can all be integrated into one document should you so choose.

Detailed Policies

Provides guidance and templates to develop detailed procedures and controls for facilitation payments, gifts, hospitality, expenses, charity and political contributions, sponsorships

Q. What is the point of these?

A. Once you understand the new Act and the liabilities it creates for you and your organisation, you will recognise the need to spell out, in no uncertain terms, the ethical standards required of your employees. These detailed guidance and policy documents do exactly that. In each area identified in your gap analysis, a template will be available for you to explain what constitutes “acceptable behaviour”, how an employee is to behave when, for example, a facilitation payment is requested, or exactly what your organisation allows in terms of giving and receiving gifts etc. Some of the guidance will have associated documents e.g. a central register to record gifts to ensure the process is fully transparent.

Human Resources Guide

Ensures HR practices, including recruitment, performance, reward, promotion and training reflect anti bribery commitment, and provides the necessary documents and forms to manage it.

Q. Will our HR practices and policies need to change?

A. You will have seen that this is a linear package, and by following it and implementing your anti-bribery programme, your employees will inevitably need to “up their game” in certain areas. To fully mitigate your risk from their actions, you will need to exercise an element of control and monitoring. This guide is intended to make that process as simple as possible, and integrate into existing HR structures. Some simple checks at the recruitment stage, and integrating ethical standards into the recruitment, promotion and pay and the general appraisal system will go a long way to achieving it. In addition, a record of acquiescence to policies and procedures, together with training records, will help you evidence compliance.

Guidance for the Board

Guidance for the board on developing and demonstrating "tone from the top" leadership and an anti bribery culture, together with documents to assist in the governance and communication process

Q. Why board guidance?

A. Transparency International, OECD, and the Woolfe Report all talk about the importance of the Board and setting the right culture from the very top. This guidance will set a structure that you can adopt to help set that “tone from the top”. Documents will assist you to achieve high level control, including Board agenda items, delegation of responsibilities and reporting lines, and set out a format for you to communicate your vision and evidence your commitment.

Internal Control and Audit

Practical guidelines on document control within the anti bribery programme and its incorporation within existing internal controls and audit processes

Q. What is the difference between this and the board guidance?

A. This guidance is about making sure that your audit process takes account of the anti-bribery measures your company needs, and there is proper control. You will be provided with a document control system that ensures that key policies are kept up to date and regularly reviewed. There will also be guidance on the financial processes which will require extra vigilance and audit checks.

Procurement Contracts and Tenders

Practical guidance on specifically addressing these areas within the anti bribery programme

and

Third Party Involvement

Guidance on the special arrangement that may be required when dealing with agents, intermediaries, consultants, joint ventures and consortia

Q. Why do these areas require special treatment?

A. Because these are probably the greatest risk to your organisation, and as such our guidance will help you strengthen your systems and monitor compliance, internally as well as with external partners. It will suggest rules to followed in both the tendering and contracting process, focusing on weaknesses that employees can exploit. We will also provide guidance on due diligence in relation to third parties.

Internal Investigations

Guidance helps you to create and communicate a clear procedure for when discrepancies occur, including advisory service, witness protection, whistleblowing and prosecution policy

Q. Why do we need internal Investigations?

A. Well, it's hoped that you won't, but if something does go wrong, you will need a process to deal with it that is consistent and transparent. In a response plan, you will be guided on the actions to take in such an eventually, and guided through the legal and reputational minefield it creates. But an equally important part of the guidance is preventing it happening in the first place, which is why we look at advice provision and a complaints or reporting procedure, together with a "whistleblowing" policy.