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Anti-Fraud, Anti-Bribery and Anti-Corruption Policy

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Foreword

Scottish Wrestling (SW) requires its Board, staff and volunteers at all times to act honestly and with integrity and to safeguard the resources for which they are responsible. This document should be considered and its provisions observed in conjunction with the respective SW Code of Conducts.

The purpose of this statement is to set out responsibilities regarding both the prevention of fraud and the procedures to be followed where a fraud is detected or suspected.

All staff should be aware of this policy and all new staff advised of its content on induction. Any person who becomes aware of any fraud, bribery, corruption or other illegal act and does not follow this policy may be subject to disciplinary action.

It is important that Scottish Wrestling (SW) volunteers and staff are aware of the risk of fraud, bribery and corruption.

Definitions

Fraud - theft by deception. It is deliberate intent to permanently deprive a person or organisation of money or goods through the falsification of any records or documents.

Bribery - inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage. Acts of bribery or corruption are designed to influence the individual in the performance of their duty and incline them to act dishonestly.

Corruption - where someone is influenced by bribery, payment or benefit in kind to unreasonably use their position to give some advantage to another. **Misappropriation** - inappropriate use of company property or employed time for personal gain/profit. It is expected that all volunteers and staff will act with the utmost integrity and ensure adherence to all relevant regulations, policies and procedures. A culture of openness, honesty and probity is strongly encouraged.

Policy Statement

The SW is committed to carrying out its activities in an honest and ethical manner and to observe the provisions of the Bribery Act 2010, in respect of its conduct.

The Bribery Act 2010 created a number of new bribery and corruption offences and holds organisations liable for failing to prevent bribery carried out on their behalf, irrespective of whether the bribe takes place in the UK or overseas. The sanctions for these offences include up to 10 years' imprisonment for the individuals responsible. In addition, if the SW is found to have connived in or consented to acts of corruption undertaken in its name, the penalties include personal liability and unlimited fines and significant reputational damage for the SW.

This policy outlines how the SW is implementing and enforcing effective systems to counter bribery. The purpose of this policy is to: i. Set out the SW's responsibilities, and of SW volunteers and staff, in observing and upholding our position on bribery and corruption; and ii. Provide information and guidance to SW volunteers and staff on how to recognise and deal with fraud, bribery and corruption issues.

This policy is adopted and endorsed by the Board of Directors.

Who Is Covered By The Policy?

This policy applies to all SW Board members, volunteers and staff.

Gifts And Hospitality

This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties. However, gifts, hospitality and political or charitable donations will be bribes if they are given or received with the intention of influencing business decisions. In addition, when giving or receiving gifts and hospitality, you should consider whether 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 any local law;
- It does not include cash or a cash equivalent (such as gift certificates or vouchers);
- Taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time; and
- It is given openly, not secretly.
- Gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the SW Board.

What Is Not Acceptable?

It is not acceptable for you (or someone on your behalf) to:

- Give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that 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 you know 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 you know or suspect that it is offered or provided with an expectation that business advantage will be offered in return.
- Threaten or retaliate against an SW volunteer, member of staff or third party who has refused to commit a bribery offence or has raised concerns under this policy.
- Engage in any activity that might lead to a breach of this policy.

Facilitation Payments

In some countries it is customary practice to make payments or gifts of small value to government officials in order to speed up or facilitate a routine action or process. However, this is not permitted under the Bribery Act and the SW does not, therefore, support or endorse the making or accepting of facilitation payments by staff and anyone carrying out business on behalf.

If you are asked to make a payment on behalf of the SW, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment.

In the event that a facilitation payment is being extorted, or if you are forced to pay under duress, you must record the payment and report it without delay.

Responsibilities

You must ensure that you read, understand and comply with this policy.

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all SW volunteers and staff. You are required to avoid any activity that might lead to, or suggest, a breach of this policy.

Effective risk assessment in order to evaluate and mitigate risk is essential. You must assess the vulnerability of activities on an on-going basis.

You must notify the SW Board as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.

Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct.

Record-Keeping

The SW has a duty to monitor the fact that the terms of the Bribery Act are being observed by SW volunteers and staff. The SW is required to keep financial records and to have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

You must declare and keep a written record of all hospitality or gifts accepted.

The SW register of gifts will be kept up to date by the SW Administrator.

The SW Board will regularly review the register of gifts and seek further details if necessary from volunteers/staff in order to ensure compliance with this policy and with the law.

All expense claims specifically record the reason for the expenditure.

Response

How To Raise A Concern

You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with the SW Board. Malpractice may be reported by following the procedure set out in the SW Whistleblowing Policy.

Reported Fraud

The report shall contain:

- a description of the incident, including the value of any loss, the people involved and the means of perpetrating the fraud;
- a description of or recommendation for resolution of the matter;
- the measures taken to prevent a recurrence; and
- any action needed to strengthen future responses to fraud, with a follow up report on whether or not the actions have been taken.

Register of Allegations of Fraud

The SW Chair shall maintain a register (the 'Register') of all cases of fraud which are reported within the SW, including those where there was found to be no case to answer.

Special arrangements for the storage and maintenance of the Register should be made to take account of the confidential and sensitive nature of the information contained in it.

The Register is to be available for inspection, subject to the personal information disclosure constraints of the Data Protection Act 1998, and subject to the Freedom of Information Act 2000.

The register will include the following information:

- the date of the complaint;
- the reference number/file number;
- the nature of the fraud reported;
- the potential costs to the BWA; and
- the status of the investigation.

All requests for references for individuals known to have been disciplined or dismissed for fraud must be referred to the SW Chair advice on how to respond in accordance with employment law. In no circumstances must any person provide a reference for a member of staff whom they know to have been dismissed for fraud, without first consulting the SW Chair

Once a suspected fraud has been reported to the Chair of the SW, the Chair of the SW will advise in strict confidence the SW Chair and Commercial Director and any other Director/Manager as appropriate.

No other action should be taken, and no investigation should commence, without the explicit approval of the Commercial Director.

Suspension

Where the matter is against a member of the SW staff, the SW Chair must be consulted before any staff member is suspended and must be consulted throughout on the conduct of the investigation. No one person, acting on his or her own volition, may move to suspend a member of staff suspected of fraud.

Any individual who is suspected of fraud may be suspended immediately (on the current appropriate rate of pay) pending a full investigation. In some cases it may also be necessary to suspend other staff in order to conduct a proper investigation. The suspension of a member of staff does not constitute a finding of misconduct against him or her. Any staff suspended as a result of suspected fraud will be informed of the reason for the suspension.

Individuals suspended for suspected fraud, and individuals suspended to enable a proper investigation to be carried out, will normally be required to leave the premises immediately.

During the period of suspension they will not be permitted to return to the premises, to make contact with staff or witnesses, or to act on behalf of the SW, unless given express permission to do so. Any infringement of this requirement will be treated as a disciplinary offence.

Where the indicative losses are found to exceed £5,000, the Chair of the BWA should obtain immediate legal advice as to whether or not it is appropriate to seek an injunction to freeze the assets of the suspected party pending a formal investigation.

Police Involvement

The SW Chair will decide whether the police should be involved at any stage of each fraud investigation, on the basis of recommendations made by the Commercial Director and legal advisors.

In all cases where the police are involved, the SW reserves the right to proceed with its own disciplinary procedures when it would be reasonable to do so, bearing in mind the employee's rights to a reasonable investigation, to defend him or herself and to a fair and impartial hearing.

Conduct of the Investigation

All reports of suspected financial irregularities or fraud, both internal and external, will be investigated by the SW.

The SW Chair has an unrestricted right of access to all documents, books of account, computer data and to any other information which he considers relevant to his enquiries and which is necessary to fulfil his responsibilities. This includes the right to verify assets, and the right of direct access to any employee or person responsible for the administration or management of SW funds with whom he feels it is necessary to raise and discuss such.

The SW Chair may engage external audit advisors, external legal advisors and external fraud investigators as appropriate.

At all times the SW Chair will record activities and findings. This creates a record of the investigation and enables the Commercial Director and the SW Executive to view the progress of the investigation at any time.

Recovery Action

The SW will take appropriate steps, including legal action if necessary, to recover any losses arising from fraud, theft or misconduct. This may include action against any party involved in the fraud or those whose negligent conduct contributed to the fraud.

What to Do if You Are a Victim of Fraud, Bribery or Corruption

It is important that you report as soon as possible if you are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity. All instances of bribery or attempted bribery must be reported promptly to the SW Board.

Protection

Those who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. The SW will support anyone who raises genuine concerns in good faith under this policy.

The SW is 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.

Monitoring the Policy And Procedures

This policy will be reviewed at least every 3 years.

APPENDIX - Definition of Bribery

A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage. Acts of bribery or corruption are designed to influence the individual in the performance of their duty and incline them to act dishonestly. It is an offence under the Bribery Act to:

- Offer a bribe;

- Receive a bribe;
- Bribe a Foreign Official and;
- Consent or connive to the commission of a bribery offence by anyone associated with the SW in respect of activities carried out on behalf of the SW.

Examples:

Offering a bribe

You offer someone tickets to a major sporting event, on condition that they agree to do business with you/the SW as a result. This would be an offence as you are making the offer to gain a commercial and contractual advantage. The SW may also be found to have committed an offence because the offer has been made to obtain business for the SW.

Receiving a bribe

A member arranges for her company to make a substantial donation to the SW on condition that her child is offered a place in a particular squad. It is an offence for such an offer to be made. It would be an offence for you to accept the offer as you would be doing so to gain a personal advantage.

Bribing a foreign official

You make or arrange for a payment to be made a foreign official to secure an international event. 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 you or for the SW.

Potential Risk Scenarios:

The matters set out below illustrate a number of scenarios which indicate an increased risk of an offence under the Bribery Act being committed:

- You find out that that a third party engages in, or has been accused of engaging in, improper business practices;
- 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;
- 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 you provide employment, a place on a course, or other advantage to a friend or relative;
- You 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;
- 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 SW; and
- You are offered an unusually generous gift or offered lavish hospitality by a third party.