

ANTI-FRAUD AND BRIBERY POLICY

(Including financial malpractice & other serious incidents)

Title	Anti-Fraud and Bribery Policy (Including financial malpractice & other serious Incidents)
Document type	Policy
Applies to	All offices
Exceptions and Localisation	No exception
Available in (languages)	English
SOP point of contact	Head of Finance with the support of Internal Audit Manager
Date of issue	31 July 2024
Date of review	01 July 2025

Section		Page
1	Policy statement	3
2	Definitions	3
3	Why does Fraud occur and what can we do?	4
4	Scope of policy	5
5	Policy overview	6
6	Conflicts of Interest	7
7	Reporting fraud and bribery – all staff & associated persons	13
8	Actions following report of fraud and bribery	14
9	Investigating fraud and bribery	16
10	Consequences of fraud and bribery	19
11	Fraud and bribery register and documentation	19
12	Protection for staff & associated persons	20
13	Queries relating to the Fraud and bribery policy	20
14	Related policies	21
Appendix		
A	How to raise FRAUD and BRIBERY concerns (reporting framework)	22
B	Roles and responsibilities	23
C	Legislation	24
D	Location of Resources	25
E	Conflict of Interest Form	26
F	Investigation Resources;	
	Incident Report Form	27
	Checklist for Investigations	28
	Investigation Plan Template	29
	Terms of Reference Template	30
G	Cybersecurity Incidents	32
H	Bribery legislation and related definitions	33

1. Policy statement

Fraud and Bribery are criminal offences that are an ever-present threat to the assets, resources and reputation of HelpAge International. They have the potential to undermine the achievement of the aims and objectives of the organisation. Consequently, they must be of concern to all members of staff.

It is HelpAge International's policy to combat all forms of fraud, bribery and corruption, and to foster a culture in which they are never acceptable.

2. Definitions

What is fraud?

Fraud is an act of deception intended for personal gain or to cause a loss to another party that is willfully or knowingly perpetrated (i.e. it is not an innocent mistake).

- Fraud does not have to result in a loss, financial or otherwise, for an offence to occur. It includes situations where HelpAge could realistically believe that it might suffer or there are planned acts which would have resulted in a fraud had they not been discovered in advance;
- Fraud is a criminal offence. In the UK the primary legislation is the Fraud Act 2006 but similar laws exist in most of the countries in which HelpAge operates and these will take precedence where appropriate. It includes but is not limited to financial misconduct and financial loss. Examples include collusion; deception; embezzlement; false representation; forgery; misappropriation and theft. (see Appendix C - Legislation);
- Fraud committed by employees is likely to be classified as gross misconduct and as such is a dismissible offence. (see section 9).

What is bribery?

Bribery is defined under the UK Bribery Act 2010 (see Appendix C – 'Legislation'). HelpAge International understands bribery to be:

- Offering, promising, giving, accepting or soliciting (e.g. asking for) a financial or other advantage as an inducement to do something that is illegal or a breach of trust in the carrying out of an organisation's activities; or

- Inducing, persuading or rewarding a person to perform a relevant function or activity in an improper way, including but not limited to public officials;
- Bribery does not have to involve cash or an actual payment exchanging hands and can take many forms such as a gift, lavish treatment during a business trip or tickets to an event;
- Failure to prevent a bribe being paid for on behalf of HelpAge;
- A facilitation payment is a type of bribe and should be seen as such. A common example is where a government official is given money or goods to perform (or speed up the performance of) an existing duty.

Other Definitions

- Corruption is defined as the abuse of entrusted power for private gain. This covers many different forms, including fraud, bribery, nepotism and cronyism;
- Nepotism is a form of favouritism based on familiar relationships whereby someone in an official position exploits his or her power or authority to provide a job or favour to a family member, even though he or she may not be qualified or deserving;
- Cronyism is the favouring of friends and associates to positions of authority, including appointment to a role or promotion, without proper regard to their qualifications;
- Nepotism and cronyism are corrupt, but they are not necessarily fraud. However, they can create a culture and environment where fraud and bribery can thrive.

When is bribery also fraud?

Whilst applying for a work permit from the local authorities for a colleague, the government official asks a staff member to provide them with payment to facilitate this application, and funds from the organisation are used to pay the bribe. If this cost is then claimed as a different, and legitimate cost (e.g. for travel or other expense costs) and not reported as a bribe, that would be fraud as well as bribery. If it had been transparently reported as a bribe being paid under pressure, it would not be fraud, as it would not involve deception.

3. Why does Fraud occur and what can we do?

This is summarised by a model that sets out the three factors that lead to fraud;

Pressure – Also known as motivation. This is where an individual is under pressure such as experiencing a personal financial issues. This can motivate them to consider action they would not otherwise consider.

Opportunity – Where controls are weak or allow an individual access to assets, or an opportunity to procure them. This is the only factor we can directly control, by ensuring we have robust systems in place and that individuals are following them.

Rationalisation – To commit the fraud, an individual usually rationalises it to themselves. This may be where they tell themselves they need the funds more than anyone else, for example, or if they pay a bribe, it is to allow work to go ahead.

All HelpAge staff and affiliates have a responsibility to:

- Be alert for indicators of fraud, bribery and malpractice;
- Report your concerns – even if uncertain;
- If necessary – ‘Whistleblow’;
- Follow the processes set out in this policy;
- Co-operate with investigations;
- Maintain confidentiality;
- Learn from it to prevent reoccurrence.

4. Scope of policy

- This policy applies to all staff, trustees, volunteers, interns, contracted consultants, supporting members, affiliates and partners (hereafter collectively referred to as associated persons) for any activities they undertake, or purport to undertake, for or on behalf of HelpAge International, as well as beneficiaries in any relationship that they have with HelpAge. It includes all forms of fraudulent and bribery activity committed by HelpAge and against HelpAge.
- Fraudulent activity or acts of bribery committed by any of the above persons outside of working for or on behalf of HelpAge do not fall directly within the scope of the policy, e.g. bribery by an employee against a third party outside of work, or fraud by a partner organisation against another donor. However, HelpAge International reserves the right to take appropriate action as it deems necessary based on the potential impact to the reputation of HelpAge and/or any loss of trust, e.g. the termination of relationships, reporting the matter to any relevant donor and/or to the police. As such,

HelpAge requires that any partner should inform them of any significant, confirmed fraud cases that is likely to impact that partner's systems, capacity, or indicate a weakness in their internal control systems. This could be where a Senior Manager (s) is involved in fraud that impacts the organisation or programmes, even if none of them are funded by HelpAge. Alternatively, if there is a fraud where the liability exceeds 10% of the organisation's income for the year, as this is considered a significant level of fraud which would likely impact the operations of an organisation.

5. Policy overview

The Board of Trustees and the Leadership Team of HelpAge International are committed to combating all forms of fraud, bribery and corruption, and to foster a culture in which they are never acceptable.

HelpAge International does not pay bribes to Public Officials or other stakeholders, even if it results in denials, delays, inconvenience, and increased costs to our operations.

An exception arises where there is a threat to life and there are no options except to make a payment to ensure the **personal safety of a staff member** (or other person that HelpAge is legally or morally responsible for).

In such circumstances, the Country Director or other senior manager or Director in the Global team should be consulted in advance whenever possible and must always be informed after the event as soon as possible, and a Security Incident Form to be completed, if relevant.

The key principles underlying HelpAge International's approach to fraud and bribery are to:

- Encourage a culture of awareness and have measures in place to recognise and minimise the risk of fraud and bribery;
- Have procedures in place for the prevention, detection, investigation, reporting and management of fraud and bribery;
- Make available confidential and appropriate reporting mechanisms so that anyone, in good faith, can report genuine concerns;
- Protect those who in good faith report instances of suspected fraud or bribery;

- Investigate with appropriate urgency cases of suspected fraud and bribery in accordance with HelpAge International procedures and, fully respecting the principles of due process and natural justice, pursue perpetrators to the fullest extent of the law;
- Maintain the principles of confidentiality in any reporting or investigation of fraud or act of bribery;
- Co-operate fully when an investigation of fraud or act of bribery is carried out;
- Maintain appropriate documentation of suspected and actual frauds and acts of bribery;
- Report frauds and acts of bribery to the Charity Commission, police, and donors as appropriate;
- Learn from any occurrence of fraud or bribery to prevent it being repeated.

6. Conflicts of interest

A conflict of interest exists where an employee or a Board Member has an interest, relationship, or friendship which could, or could be seen to, interfere with their ability to decide an issue in the best interests of HelpAge International.

The purpose of this policy is to ensure that all conflicts of interest are declared, declared conflicts are managed to mitigate the associated risks, and that decisions and actions are documented to ensure transparency and accountability.

Examples of conflicts of interest include (but are not limited to):

- Relationships between members of the Senior Leadership Team, accounts staff, procurement staff, HR staff or board members and any other staff member;
- Relationships between any person and their line manager;
- Relationships between HelpAge staff or board members and suppliers, donors, grantees, beneficiaries or job applicants;
- A 'relationship' in this context could include family, romantic relationships, close personal friend, being a bank signatory, advisor or board member.

The existence or discovery of a conflict of interest does not constitute a breach of policy as long as it is disclosed as soon as possible.

The following people are required to make annual conflict of interest declarations using the form in Appendix E:

- Board members;
- Senior Leadership Team members;
- All Managers;
- Any staff participating in a procurement process where the overall value exceeds £50,000 or equivalent.

All staff (including those listed above) are required to disclose conflicts of interest as soon as they arise or the staff member becomes aware of the conflict of interest. Examples of such disclosures would include:

- A close friend of a staff member applies for a job with HelpAge International;
- A potential supplier presented to the procurement committee is a company where a committee member is a board member or is close friends or has a relationship with someone working for or owns the company.

The recruitment conflict of interest declaration form in Appendix E should be signed by all relevant persons involved in the development or design of selection tools, those with access to the selection tools, and those involved in the selection process. It should be signed as soon as all the applications are received and before any short listing.

The Procurement Committee meeting agenda should always include a clear listing of all suppliers on the approved suppliers list, as well as all those who have provided quotes for the purchases under consideration. All members present should be required to declare that they have no interests in any of the suppliers under consideration at that meeting, and this should be recorded in the minutes.

If a conflict arises or is discovered, it should be immediately declared to the member of staff's line manager and all necessary steps to mitigate this should be taken.

Appropriate actions should be taken to resolve the conflict of interest, which may be temporary or permanent, for example:

- A procurement committee member being removed from a particular supplier selection decision in which they are conflicted;
- A staff member ceasing to act as board member, signatory or advisor which is causing the conflict;
- A conflicted staff member is removed from all aspects of the recruitment and selection process;
- One person in a romantic relationship within HelpAge International leaves the organisation.

The steps taken to manage the conflict of interest and mitigate the risk of conflicted decision taking should be documented on the declaration form.

Gifts and entertainment

Gifts and entertainment should never be used or allowed to influence business decision making. When offers of gifts and entertainment are made or accepted in situations where they are not appropriate, they can look like, or may in fact be, bribes. They can expose us to accusations of unfairness or even break the law, and can put at risk our reputation for ethical behaviour.

Positive, healthy, normal business practices can include accepting and making offers of gifts and entertainment, which develop and maintain positive and strong business relationships. See sections 16 and 17 of the Expenses Policy for more information. We should be able to accept and make offers of gifts and entertainment ONLY when they are appropriate, i.e. when they:

- are proportionate in the context; and
- do not create any sense of expectation or obligation on the recipient or the giver;
- Are part of accepted cultural practices, for example sharing a gift because of a local celebration such as Christmas or Eid.

The following gifts should not be offered or accepted, and are deemed inappropriate.

- Cash of any amount;
- Any gift with a value exceeding £30 (or equivalent in local currency);
- Any entertainment worth more than £50 per head (or equivalent in local currency);
- Any gifts from existing suppliers or prospective suppliers while a tender process is underway;

- Any gifts to staff involved in supplier selection decisions (e.g. Procurement Officer or member of Procurement Committee);
- Entertainment involving gambling, anything of a sexual nature or exploitation of others.

If it is felt that an exception can be made to any of the above, for example, where a Supporting Member / Partner is visiting and a large number of individuals go out for dinner, paid by either HelpAge or the other party, then this should be documented and recorded by the relevant Line Manager and agreed with the Head of Finance.

It is never allowed for staff or other individuals working on behalf of HelpAge, to make a request for a gift or entertainment to other organisations / individuals.

Gifts or entertainment below the limits set out above are not necessarily appropriate.

Any gifts, rewards or entertainment that you receive from beneficiaries, partners or suppliers or other business contacts should be reported immediately to the Head of Finance. In certain circumstances, it may not be appropriate to retain such gifts and you may be asked to return gifts to the sender, for example, where there could be a real or perceived conflict of interest.

As a general rule, small tokens of appreciation, for example flowers or a bottle of wine, may be retained by employees. Where gifts are offered, such as tickets to events, approval should be sought from the Head of Finance and Director of Finance in advance, consideration will be given on the impact of any professional working relationship and if it is viewed this could unintentionally or intentionally compromise working practice permission will not be given.

If any staff or board member is in any doubt, they should consult an SLT member (or the board chair in the case of the Executive Director) and obtain written permission before accepting or offering a gift.

The following circumstances imply the giving or receiving of a gift or entertainment offer may be appropriate:

- The giving and receiving of the gift or entertainment strengthens a genuine business relationship;
- The gift or entertainment does not constitute an attempt to apply undue influence, and does not create an undue obligation;

- The gift or entertainment is given or accepted in the open rather than in secret;
- The gift or entertainment is given to celebrate a recognised cultural event such as Christmas or New Year;
- The gift or entertainment is given to the organisation or a group of people (department) rather than an individual;
- The gift or entertainment is branded marketing materials (pens / notebooks etc);
- The value of the gift or entertainment is not excessive or abnormal in social context;
- The timing of the gift or entertainment is not suspicious.

The following circumstances imply the giving or receiving of the gift or entertainment may be inappropriate:

- The timing, nature or circumstances of the gift means it could be perceived as an attempt to influence a business decision;
- The value of the gift is excessive in the circumstances (despite being below the limits set out above);
- The receiver feels obligated, or the giver feels entitled;
- The gift is given or received in secret.

If any staff or board member is offered an inappropriate gift they should politely decline it and inform their line manager or board chair.

In the event that declining an inappropriate gift in the moment that it is given might be culturally inappropriate or embarrassing, it should be returned within no less than a week, with appropriate documentary evidence to prove that the gift was returned.

In the event that an inappropriate gift is received publicly, steps should be taken to restore the reputation of the organisation, in addition to returning the gift.

In the event that inappropriate gifts are received without consent (such as courier deliveries, bank or mobile money transfers), these should be declared immediately using the conflict of interest declaration form. Steps should be taken to return the gift, or notify authorities if money laundering is suspected.

Inappropriate gifts received by employees and subsequently declared should not be received into the organisation's funds – rather they should in all cases be returned.

Appropriate gifts, given to the organisation as a whole, or to a particular team, should normally be enjoyed or shared by all relevant staff members (e.g. hampers or flowers). Where an appropriate item is not easily sharable, it should be raffled by some random and transparent means.

Further information on providing a gift to an outside party is given in section 16 of the organisational Expenses policy.

7. Reporting fraud and bribery – all staff and associated persons

If you think any staff member (including yourself) or any other associated person, organisation or company acting on behalf of HelpAge may have committed, or been requested to commit a fraud, attempted to commit a fraud, or offered, solicited, accepted or paid a bribe or similar, in any way connected with their work with HelpAge, or could be perceived by others to have done so;

You should immediately, or at least within 24 hours, send your concerns to the concerns@HelpAge.org email address.

The administrator of this account will then be responsible for notifying the relevant individuals as follows (unless any of the individuals are named in the concern raised).

Country office staff: Head of Finance, copying the Country Director, Head of Localisation, Internal Audit Manager & Finance Business Partner

Global team staff: Head of Finance, copying the Internal Audit Manager & Finance Business Partner

Partners' offices: Head of Finance, copying the Head of the Portfolio team working with them, or relevant Director, Internal Audit Manager & Finance Business Partner

If any of the above members of staff are not included in the email sent by the concerns@HelpAge.org email address, it is the responsibility of whoever receives the email to ensure the relevant staff are forwarded this information.

You do not need to have proof of your concern, only honest and reasonable suspicion raised in good faith.

If your concerns involve senior staff members including directors: you should report the matter to their direct report or by 'whistleblowing'; i.e. concerns about Country Directors should be reported to the Head of Localisation, if it is about the Head of Localisation then to the Head of Transformation. If it is about any relevant Director then to the Chief Executive Officer, if about the CEO then to the Chair of the Audit & Finance Committee.

Whistleblowing: HelpAge also has a Serious Incidents Reporting Policy under which all serious concerns, including suspected or actual fraud allegations, may

be reported directly and confidentially (although not anonymously) to the 'Serious Incident Reporting Officer' in London.

8. Actions following report of fraud and bribery

The individuals who have been first notified of frauds, bribes, or other serious incidents should:

1. Discuss the matter with the Whistleblower first, and obtain as much evidence and detail as possible. Refer to the 'Serious Incident Report Form' as a guide to the information that will be useful (Found on SharePoint; [Serious Incidents Reporting Policy.pdf](#) or available on request).
2. **Escalate** the matter with available details and evidence to the relevant individuals as set out in section 7 (above).
3. The report and evidence should be evaluated by the Director of Finance & Operations, Head of Finance and Internal Audit Manager to determine what further investigation is required and whether it is a serious incident. Where it is assessed that it is a serious incident, all further steps (below) should be taken immediately to address this. Where there is lack of clarity, further investigation should be undertaken and this should be completed within 1 week of the initial concern being raised. Country Offices have the authority to decide whether to conduct their own investigation.
4. Serious Incident reporting: If it is assessed as a serious incident, whether or not the alleged fraud or bribery had actually occurred or was attempted, it must be reported in line with this policy. All serious incidents should be recorded on the relevant SharePoint site by the relevant Finance Business Partner, then noted in the Fraud and Bribery register and the Head of Finance must ensure that a Fraud Report is completed, to be shared with relevant stakeholders (see Appendix F). If it is not deemed to be a serious incident, and does not require further investigation, the details of this should be recorded in a separate section of the Fraud and Bribery Register along with the rationale on why it was decided to not proceed with an investigation.

5. A Fraud Response team of suitable individuals should be formed to investigate the allegations, see Section 9.
6. The Director of Finance will then report the incident to the CEO,¹ who will in turn notify the trustees if felt to be necessary and within 7 days at the latest.
7. Reporting to the Police and Insurance company: It may be necessary or appropriate to report the matter to police or relevant authorities in the relevant country, and also lodge a claim for insurance, if relevant and in place. This decision should normally be made by the CEO (or Director) or Country Director in consultation with the Head of Localisation for Country Offices. If fraud is conducted by a partner in a country where there is no HelpAge office, this will be decided by the relevant Head of Portfolio with approval from the Director of Global Impact.
8. Reporting to donors: In some instances, as part of our contractual obligations, suspected fraud and bribery need to be reported to relevant donors as soon as matters come to light. All serious incidents of fraud and acts of bribery must be reported to the relevant donor as soon as there is reasonable clarity on the matter. This should normally be done by a Country Director in consultation with the Head of Localisation or relevant Head of Portfolio in consultation with the Director of Global Impact/Finance Director. Where fraud is conducted by a partner in a country with no HelpAge office this should be done by the relevant Portfolio or other team working with that partner. If the contract is signed through a supporting member, they must be informed so that they can report directly to the donor.

The Business Development Team should be informed by the Head of Finance of the fraud incident at this stage and provided with a copy of the Fraud Report, to allow them to inform our core donors.

9. Reporting to implementing partners: In some instances, it may be appropriate to report suspected, actual or attempted frauds to partners or affiliates, e.g. to reduce their risk of bribery and corruption. This should normally be done by a Country Director in consultation with the Head of Localisation or relevant Head of Portfolio in consultation with the Director of Global Impact.
10. Reporting to the Charity Commission: The Director of Finance and Operations, is responsible for reporting serious incidents of frauds and

¹ In exceptional instances, the CEO should be notified at an earlier stage.
Fraud and Bribery Policy – 31 July 2024

bribery to the Charity Commission, in line with the Commission's guidelines. This applies to all frauds and bribery from throughout the HelpAge network.

11. Reporting to Trustees: The Head of Finance, on behalf of the Director of Finance and Operations, is responsible for providing the Finance and Audit Committee with a summary fraud and bribery update every 6 months. A copy of this report is also provided to the full Board of Trustees as well as to all relevant Directors.

Timeframes; the timeframes on each of these steps should be in accordance with all local legal and donor requirements, and also according to the potential seriousness of the incident, which is to be determined during the initial review of the allegations, in step 3. If the potential incident is deemed to have a potentially higher level of risk (for instance if the amount potentially lost to the fraud is deemed to be significant) then all following steps should be escalated and carried out in a shorter time frame, than an incident where the risk is deemed to be lower.

9. Investigating fraud and bribery

All instances of fraud and bribery that pass the initial review (see section 8, above) should be investigated unless there are exceptional reasons not to do so. It is recognised that the appropriate nature, timescales and staff time required for investigations will vary (for example from a few hours to a few days). Employees suspected of fraud or bribery may be suspended without prejudice from their duties while the investigation is being carried out.

A '**lead officer**' should be appointed by the relevant Head of / Manager / Director for all investigations to co-ordinate the work and to provide progress updates (e.g. to the relevant Director, Serious Incident Reporting Officer (Head of HR), and Head of Finance) at suitable intervals as requested and at the conclusion. NB: a director can appoint themselves as the 'lead officer' if appropriate.

Once a concern has been reported or otherwise identified, the responsibility to respond to that allegation will fall to a Fraud Response Team, which should be assembled in good time by the lead officer. The Fraud Response Team will be convened by different individuals, depending on where the complaint originated;

Where the investigation is instigated at country level, the team should be comprised of the Country Director and at least two others, most likely the

Finance Manager and other member of the Offices SMT, such as the Programme Manager.

Where an incident occurs in a country where we do not have an office (for example, where it concerns a partner we are working through) the investigation should be managed and overseen by the partner, with support and resources provided by their contact at HelpAge as required. However, a Fraud Response Team should still be established to monitor and support the investigation where required, this should be comprised of the Head of the Portfolio and two others from the team, including a relevant member from the Global Finance Team. If the Fraud Response team feel that it is not appropriate for the partner to conduct the investigation, then the partner should be informed that HelpAge are conducting their own investigation and regular communication between the two parties should be established. Examples of where this may be required is if there are concerns that Senior Management within the partner organisation may be involved or that the fraud allegations are particularly complex or of a larger scale. In this instance the investigation will be managed by the relevant Portfolio team, with the support of the Fraud Response team.

If the partner does conduct their own investigation, the outcome and associated reports should be shared with and reviewed by the Fraud Response Team, Head of Finance and Internal Audit Manager. If it is felt that the investigation is not adequate or there are concerns regarding the findings and outcome of the investigation, HelpAge retain the right to conduct their own investigation.

Where the incident occurs in the Global team, the Fraud Response Team should be comprised of either Serious Incident Reporting Officer (Head of HR) or the Internal Audit Manager, along with the Director of Finance and Operations and Head of Finance. Other relevant individuals may be invited to join the team, depending on capacity and relevant skills.

It is important to note that any relevant person implicated in an allegation may not be made a member of the Fraud Response Team.

The roles and responsibilities of the Fraud Response Team are to:

- Update the Fraud & Bribery Register;
- Document meetings, decisions and learning;
- Maintain confidentiality, especially with respect to the reporting person and the person accused of alleged misconduct;

- Ensure the person reporting is supported and protected from harm;
- Take urgent steps to protect assets or information as needed;
- Ensure donors have been notified by the relevant contact (see Section 8, subsection 8) and manage other internal and external communications as appropriate;
- Set up the Fraud Investigation Plan and Terms of reference and/or contract for the investigation;
- Oversee / conduct the investigation;
- Act on the findings of the investigation.

The Fraud Response Team will use the checklist in Appendix F as an aide memoire of the issues to consider when responding to an allegation of misconduct.

A case file should be opened to hold all emails, meeting minutes, reports, and other information relevant to the case. The file should be held in a safe and secure place and only accessible by relevant people in the Fraud Response Team. The process and all relevant templates that can be used for completing an investigation can be found in Appendix F

All reported or otherwise identified allegations, suspicions or concerns will be reported to the board, during the bi-annual Board meeting. Confidentiality will be maintained but they will be kept updated on the progress of any investigations or actions taken until the issue is closed.

Before reporting their concerns, staff members who suspect fraud or bribery are only requested to gather initial information and evidence that they routinely have available to them in the course of their work and when it is safe and practical to do so. This stage is not an investigation and if in doubt the concern should be reported without gathering initial information. It is essential that confidentiality is maintained throughout.

All staff members who are requested to participate in an investigation in any way are required to maintain principles of professionalism, integrity and confidentiality. This includes persons leading an investigation or providing information as part of an investigation.

Investigations shall be undertaken without prejudice and in accordance with the resources shared here, and with HelpAge's HR and other relevant policies and procedures.

10. Consequences of fraud and bribery

- HelpAge will invoke its disciplinary procedures where any employee is suspected of fraud or bribery, and proven allegations may result in a finding of gross misconduct and immediate dismissal.
- HelpAge may decide to terminate the contracts of any associated persons or organisations (including consultants, implementing partners and suppliers) who are found to have breached this policy.
- In all cases, HelpAge reserves the right to pursue legal action, e.g. to pursue financial recompense.

11. Fraud and bribery register and documentation

- All Country Directors with the support of specifically delegated 'lead officers' (see section 9) are required to maintain documentary evidence of all actual, attempted and suspected frauds arising in their country.
- For each fraud and bribery allegation, in addition to the case file set up by the investigating team, the Global Finance Team will also create a 'fraud report' folder on SharePoint for the relevant case. This will store updates and reports that are to be shared with all related outside parties, such as the Charity Commission and donors. The individual folders have strict access permissions which can be amended as necessary.
- The 'Lead Officer' or other appointed persons within the Country Office is required to use the fraud report folder for all documentation. At a minimum all offices should maintain a log of all Fraud and Bribery incidents, whether actual, near miss or alleged. This form and further guidance is available from the Head of Finance or Internal Audit Manager.
- The Head of Finance also maintains a central fraud and bribery register for HelpAge. The central fraud and bribery register provides details of suspected and actual frauds and bribery discovered, including subsequent actions and resolution. Updates for the fraud and bribery register should be provided by the relevant Finance Business Partner to the Head of Finance at the appropriate intervals and at the conclusion of an investigation.
- The Fraud and Bribery register is a confidential document which will be held securely. However, certain aspects may be shared as appropriate with the Charity Commission, police, donors, and other charities.

12. Protection for staff and associated persons

- HelpAge will protect its staff from any negative personal consequences arising from them reporting (in good faith) any fraud, suspected fraud, act of bribery, suspected act of bribery, or policy violation.
- HelpAge will respond to all allegations of fraud and bribery in a professional, objective, confidential and timely manner, and in accordance with all relevant HelpAge policies. In particular, no prejudice will arise against persons who are suspected of inappropriate activity that is not proven.
- These protections also apply to associated persons; i.e. trustees, volunteers, interns, supporting members, contracted consultants, affiliates and partners.

13. Queries relating to the Fraud Policy:

Should any staff member or associated person require further information, clarification or support in the implementation of this policy, they should contact:

- the Country Director, Country Finance Manager; OR
- Head of Localisation; OR
- relevant Global Team staff, e.g. Director of Finance and Operations, Director of Global Impact, Head of HR, Head of Finance, Internal Audit Manager.

Alternately you can email the Serious Incident Reporting Officer (Head of HR) on concerns@HelpAge.org which is a strictly confidential e-mail address which only the Head of HR in HelpAge's Global Team can access.

14. Related policies

All HelpAge International policies are available on SharePoint; see Appendix D. Alternatively, documents can be requested (see Section 13). The main policies to be read in conjunction with the Anti-Fraud and Bribery Policy are:

- Code of Conduct;
- Expenses Policy;
- Serious Incidents Reporting Policy;
- Serious Incident Report Form;
- Related site: Serious Incident Reporting Site.

How to raise FRAUD and BRIBERY concerns – A Simple Framework for Action

If you suspect **fraudulent activity** or any other form of **financial malpractice**:

OR

If you are requested to pay any form of **bribe**, **facilitation payment**, or **other** improper incentive, in any way connected with your work with HelpAge:

OR

If you think any staff member (including yourself) or any other person acting on behalf of HelpAge may have offered a **bribe or similar**, or could be perceived by others to have done so:

Committed or attempted **BY** HelpAge or **AGAINST** HelpAge
E.g. involving a manager, other staff member, volunteer, contracted consultant, affiliate, partner organisation, supplier, or other external body, etc.
Whether or not actual payment took place – Even if you are unsure

The notified individuals;

Should;

- Discuss the matter with the Whistleblower first to obtain all information;
- Report all available information to the relevant individuals as set out below.

All staff and associated persons

(e.g. trustees, volunteers, interns, contracted consultants, affiliates and partners)

Should immediately, or at least within 24 hours inform the Head of Finance and

- if it has occurred in a location where we have a Country Office, cc'ing the Country Director, Head of Localisation, Internal Audit Manager and Finance Business Partner;
- if it relates to a partner who is managed by a portfolio team, cc'ing Relevant Head of Portfolio, Internal Audit Manager and Finance Business Partner;
- if it relates to a member of the Global Team cc'ing Internal Audit Manager and Finance Business Partner;
- It is **NOT your responsibility** to investigate or be certain that a fraud has actually been committed.

The Head of Finance / Director of Finance and Operations / Internal Audit Manager should;

- Evaluate the information and decide whether it needs to be escalated as a serious incident and take next steps immediately, or;
- Whether it requires further review and information to determine whether it is a potential serious incident. If it is not, this should be recorded in a separate section of the Fraud and Bribery Register along with the decision to not proceed with an investigation;
- Where it is deemed to be a serious incident requiring further investigation, it should be recorded on SharePoint and in the Fraud and Bribery Register and a Fraud Response Team formed;
- Ensure the Country Director and Head of Localisation / relevant Head of Portfolio are aware (if relevant, and appropriate); also directly inform other relevant persons in the Global Team where appropriate such as the CEO and trustees;
- Consider if the matter should be reported to the police and to implementing partners. Act accordingly, within the policy guidelines;
- Ensure donors are notified, as relevant with the Country Director or Head of Portfolio. The Business Development Team should be informed at this stage, along with a copy of the Fraud Report;
- Keep the Head of Finance and relevant directors informed as appropriate;
- Consider what further disciplinary procedures, if any, are necessary, including possibly terminating relationships with associated persons or organisations.

Appendix B - Roles and responsibilities

- All staff of HelpAge International (including trustees, consultants and volunteers) are obliged to comply with the laws of the country in which they work. HelpAge International expects and demands that all staff sign the HelpAge International Code of Conduct, act honestly and with integrity, and that they safeguard HelpAge International's assets and resources for which they are responsible. They are also expected, in accordance with this policy, to report suspected frauds, actual frauds, suspected acts of bribery, actual acts of bribery, and policy violations.
- All senior managers (including relevant Managers, Head of Localisation, Head of Portfolio's and Country Directors) are responsible for the operation and maintenance of HelpAge International's internal control systems, which promote the prevention, detection and investigation of fraud and bribery, and should ensure that any suspected incidences that are brought to their attention are reported through the channels as set out in this policy.
- Country Directors and Finance Managers are responsible for reporting all suspected frauds and acts of bribery to the relevant staff (see section 7) and for making decisions on how suspected frauds and bribery should be investigated and reported to the police (or not). They must also ensure that SharePoint is used to maintain records of frauds and bribery within their countries.
- The Head of Finance has overall responsibility for HelpAge International's policy in respect of fraud. They are also responsible for maintaining the fraud and bribery register and has responsibility for ensuring that there is appropriate reporting to trustees, Charity Commission, and UK Police etc. as appropriate. They have responsibility for receiving all notifications of all suspected and actual frauds and acts of bribery, and for passing the details on to other officers as appropriate. This includes the Business Development Team, the Director of Global Impact, Director of Finance, and Internal Audit Manager.
- The Director of Global Impact and Country Directors are responsible for ensuring that there is an appropriate management response to fraud including decisions on reporting to partners & affiliates.
- The Serious Incident Reporting Officer (Head of HR) has responsibility for ensuring any notifications of all suspected and actual frauds and acts of bribery, are forwarded onto the Head of Finance for further processing.
- The Internal Audit Manager leads on the provision of fraud and bribery (and serious incident reporting) awareness training to all staff and wherever possible to partners and other 3rd parties who work on behalf of HelpAge International.
- Lead officer is a person appointed by a Director with responsibility for co-ordinating a specific investigation and providing progress updates (e.g. to the relevant Director, Serious Incident Reporting Officer (Head of HR) and Head of Finance).
- Business Development Team is responsible for ensuring that frauds and suspected frauds are reported to donors as appropriate

Appendix C - Legislation

Fraud legislation

Term & legislation	Definition
Fraud Fraud Act 2006	Fraud is an act of deception intended for personal gain or to cause a loss to another party. It includes but is not limited financial misconduct. The general criminal offence of fraud can include: deception whereby someone knowingly makes false representation; or they fail to disclose information; or they abuse a position.
Collusion	Secret or illegal cooperation or conspiracy in order to deceive others
Deception Theft Act 1968, 1978, 1996	For the purposes of this section "deception" means any deception (whether deliberate or reckless) by words or conduct as to fact or as to law, including a deception as to the present intentions of the person using the deception or any other person.
Embezzlement Fraud Act 2006	the act of dishonestly withholding assets for the purpose of conversion (theft) of such assets by one or more individuals to whom such assets have been entrusted, to be held and/or used for other purposes.
Forgery Forgery and Counterfeiting Act 1981	The creation of a false written document or alteration of a genuine one, with the intent to defraud.
Misappropriation	the intentional, illegal use of the property or funds of another person for one's own use or other unauthorized purpose, particularly by a public official, a trustee of a trust, an executor or administrator of a dead person's estate, or by any person with a responsibility to care for and protect another's assets (a fiduciary duty).
Theft (Theft Act 1978, replaced by) Serious Organised Crime and Police Act 2005; Fraud Act 2006	A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; and "thief" and "steal" shall be construed accordingly. Obtaining services by deception; 2 Evasion of liability by deception; Making off without payment

Appendix D – Location of Resources

All HelpAge policies and resources are saved to Sharepoint, and can be accessed through the following links:

- Code of Conduct:
<https://helpage.sharepoint.com/:b:/r/sites/HelpAgePoliciesProcedures/PolicyesProcedures/Code%20of%20Conduct-2018.pdf?csf=1&e=634ySy>
- Serious Incident Reporting Policy (which contains Serious Incident Reporting Template):
<https://helpage.sharepoint.com/:b:/r/sites/HelpAgePoliciesProcedures/PolicyesProcedures/Serious%20Incidents%20Reporting%20Policy.pdf?csf=1&e=1CYCOM>
- Serious Incident Reporting Site on SharePoint:
<https://helpage.sharepoint.com/sites/SeriousIncidentReportingSite>

Appendix E – Conflict of interest declaration form

Name:

Position:

I understand that a conflict of interest arises if an employee or a Board Member has an interest, relationship, or friendship which could, or could be seen to, interfere with their ability to decide an issue in the best interests of HelpAge International. This could include a financial, personal or family (or close relationship) interest in matters of official business which may impact the work of HelpAge. It could also include an intimate personal and sexual relationships with any staff member, volunteer, trustee, consultant, contractor or partner staff so that the risk of any unfair advantage or coercion by either party can be assessed and managed and mitigation action taken as required.

I understand that the existence of a conflict of interest does not automatically constitute a breach of policy, so long as it is declared, so that it may be properly managed.

I hereby declare that I have no known personal or business relationships or interests with any other staff member, board member, current supplier or contractor, except for:

Name	Nature of relationship
1.	
2.	
3.	

I further state that I will declare any conflict of interest arising during my time working for HelpAge as soon as I become aware of it.

In addition, I will seek permission from HelpAge to engage in other paid or unpaid voluntary work whilst in their employment to ensure that there is no conflict of interest, breach of working time rules, or negative effect on my performance. I hereby declare that I am not engaging in any additional paid or unpaid role, outside of working with HelpAge International, and that if this situation is to change, I will contact my Line Manager to make them aware of this.

Name:

Sign:

Date:

The signed form should be filed on a conflicts declaration file, with a copy on the personal file. The individual may retain a copy of the lists if they wish.

Appendix F – Investigation Resources

Serious Incident Report

Case Reference number:

Reported by:

The country where the incident took place:

Type of incident: Fraud/Bribery/Safeguarding

Background of the incident

Actions taken based on the initial investigation

Lesson learned and improvements to the internal control process

Case status: Open/Close

Checklist – responding to an allegation or concern

The Fraud Response Team is responsible for deciding the appropriate course of action on a case by case basis, in line with the policy. This checklist is an aide memoir only.

Issues to consider	
1. Obtain relevant facts from reporting person	
2. Re-assure reporting person their concern will be handled in confidence	
3. Document details on standard fraud incidence report	
4. Inform Country Director or equivalent	
5. Record incidence in Fraud Register	
6. Convene Fraud Response Team	
7. Ensure urgent safeguarding of assets / evidence	
8. Decide whether to investigate	
9. Obtain legal advice	
10. Communicate with Head Office	
11. Communicate with donor	
12. Communicate with, and consider rights of, accused	
13. Communicate with reporting person	
14. Communicate with staff? Public?	
15. Decide whether or not to suspend staff member	
16. Provide support to reporting person	
17. Appoint and engage investigator with clear TOR	
18. Conduct investigation	
19. Report to police (may be necessary to acquire evidence)	
20. Take corrective action to right any wrongs in this incident	
21. Take preventative action to prevent similar incidents in future	
22. Document and act on any other learning from the case	

INVESTIGATION PLAN FOR CASE NUMBER XXX-20XX

Note: The Investigation Plan is intended to be used in conjunction with the Terms of Reference for the Investigation.

1. Summary of allegations received/evidence to date

2. Scope of Investigation

3. Objectives of Investigation

4. Investigation Plan

(To be completed with the tasks required specifically for the investigation – an example of suggested activities is given below)

Date to be carried out	Task	Task assigned to	Resources required
[Date]	<i>E.g. Risk assessment</i>	<i>Fraud Response team in conjunction with Lead Investigator</i>	<i>Separate meeting</i>
[Date]	<i>E.g. Gather relevant original documentation and make copies/scan</i>	<i>Investigator 1</i>	<i>Scanner</i>
[Date]	<i>E.g. Compare documentation to policies and procedures in place</i>	<i>Investigator 2</i>	<i>2 hours of time</i>
[Date]	<i>E.g. Visit third party vendors to confirm existence</i>	<i>Investigators 1 and 2</i>	<i>Vehicle, and security information</i>
[Date]	<i>E.g. Interview witnesses</i>	<i>Investigators 1 and 2</i>	<i>Confidential secure location</i>
[Date]	<i>E.g. Interview subject of investigation</i>	<i>Investigators 1 and 2</i>	<i>Confidential secure location</i>
[Date]	<i>E.g. Analysis of evidence</i>	<i>Investigators 1 and 2</i>	<i>2 hour Teams call</i>
[Date]	<i>E.g. Meeting with fraud Response Team to review all information</i>	<i>Fraud Response Team</i>	<i>1 hour meeting on Teams</i>
[Date]	<i>E.g. Draft final report</i>	<i>Investigators 1 and 2</i>	<i>4 hours to finalise</i>

Terms of Reference for case number XXX-202X

1. Background

(Use this section to explain the details of the investigation, e.g. where it occurred, which partner / office / team is involved, how the potential fraud was discovered, any other relevant information)

2. Summary of allegations received/evidence to date

(Use this section to summarise the allegations received and any evidence that has been received to date)

3. Scope of investigation

(Use this section to outline the scope of the investigation, e.g. to investigate the allegations set out in section 2, and what time period this covers. It is important to also consider what should not be included in the scope of the investigation. If the scope of the investigation needs to be changed, this needs to be agreed with the Fraud Response Team)

4. Objectives of investigation

(These objectives provide a detailed plan for the investigation. Some examples are included below as guidance)

1.	<i>e.g. Determine whether process and procedures were followed in office X in relation to the allegations made</i>
2.	<i>e.g. Determine whether documentation was altered in support of these transactions</i>
3.	<i>e.g. To determine whether this issue occurred in other instances during the time period set out in the scope</i>
4.	<i>e.g. Provide recommendations for improvements to controls to avoid reoccurrence</i>

5. Limitations and Risks

(Use this section to outline any identified limitations to the investigation e.g. time constraints, availability of key staff to carry out the investigation and any risks to the successful completion of the investigation e.g. destruction of key documentation, inability of staff to access remote locations, time limitations etc)

6. Investigation Panel Members

(Outline here those staff overseeing the investigation in a decision making capacity, not those carrying out the investigation – some examples are included below. Please note that the seniority of these staff members will depend on the severity of the case)

- I. Director of Finance and Operations
- II. Head of Finance
- III. Head of Portfolio
- IV. Head of Localisation

Or for a lower level case:

- I. Country Director
- II. Head of Finance
- III. Head of Portfolio

7. Investigation Team Members

(Individuals appointed to carry out the investigation. The investigation team should comprise at least two investigators and also identify who the lead investigator is)

- I.
- II.
- III.

8. Key Deliverables

(Identify the key outputs from the investigation: this should include an investigation report which identifies recommendations for improvements to systems and controls required to mitigate against recurrence of similar frauds)

9. Timelines and Resources

(Outline timeline for completion of the investigation and delivery of the report. Also provide details of any additional resources needed such as transport or additional staff resources).

Appendix G – Process for Managing Cyber Security Incidents

Within the UK:

Relevant staff within HelpAge should be notified of any serious incidents of fraud (whether actual or suspected) which either occurred in the UK, or is related to any actions taken in the UK (for example funds transferred out, or cyber fraud) as set out in section 7 – Reporting Fraud and Bribery. The Fraud Response Team set up to deal with the specific incident should decide whether it is to be reported to Action Fraud; [Action Fraud | Metropolitan Police](#). If so, this should be done by the Head of Operations.

HelpAge's cyber external support company can be contacted for further support and advice, if the Fraud Response Team decide that this is required. They can provide support including conducting checks and an assessment of the IT system to identify where potential breaches of the system have, or could occur, as well as provide legal advice. The Operations team would co-ordinate and manage all communication with the external support company.

The Fraud Response Team should seek advice on whether the incident should be reported to the ICO, if a potential breach of data has been identified. The team should also consider whether any other parties need to be contacted, such as the relevant bank holding the account of the suspected fraudster.

The IT team should review all aspects of the fraud to ensure if there are any other aspects that need to be addressed, such as fake domain names or email addresses associated with the fraud that would need to be blocked.

Outside of the UK:

All countries where HelpAge has a registered presence should be familiar with any local legal requirements and have details of the process to be followed, such as which local authority should be notified, should a situation occur.

Appendix H – Bribery legislation and related definitions

All of HelpAge’s activities throughout the world are subject to the UK Bribery Act 2010 as well as to local legislation in the countries in which it operates. The UK Bribery Act 2010 has a near-universal jurisdiction, allowing for the prosecution of an individual, company or charity with links to the United Kingdom, regardless of where the crime occurred. Therefore the Act is binding over every staff member and person acting on behalf of HelpAge International throughout the world.

Term & legislation	Definition	Examples
Bribery Bribery Act 2010	<p>Broadly, the Act defines bribery as giving or receiving a financial or other advantage in connection with the "improper performance" of a position of trust, or a function that is expected to be performed impartially or in good faith.</p> <p>Bribery does not have to involve cash or an actual payment exchanging hands and can take many forms such as a gift, lavish treatment during a business trip or tickets to an event.</p>	<ul style="list-style-type: none"> • bribery in order to secure or keep a contract. • bribery to secure an order. • bribery to gain any advantage over a competitor. • bribery of a local, national or foreign official to secure a contract. • bribery to turn a blind eye to a health safety issue or poor performance or substitution of materials or false labour charges. • bribery to falsify an inspection report or obtain a certificate.
Corruption Bribery Act 2010, 2012	<p>"the abuse of entrusted power for private gain". Corruption can be classified as grand, petty and political, depending on the amounts of money lost and the sector where it occurs. (Transparency International)</p>	<p>Grand corruption consists of acts committed at a high level of government that distort policies or the central functioning of the state, enabling leaders to benefit at the expense of the public good.</p> <p>Petty corruption refers to everyday abuse of entrusted power by low- and mid-level public officials in their interactions with ordinary citizens, who often are trying to access basic goods or services in places like hospitals, schools, police departments and other agencies.</p> <p>Political corruption is a manipulation of policies, institutions and rules of</p>

		procedure in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth.
Extortion	is a <u>criminal offense</u> of obtaining money, property, or services from a person, entity, or institution, through <u>coercion</u> . Refraining from doing harm is sometimes <u>euphemistically</u> called <u>protection</u> . Extortion is commonly practiced by <u>organized crime groups</u> . The actual obtainment of money or property is not required to commit the offense. Making a <u>threat of violence</u> which refers to a requirement of a payment of money or property to halt future violence is sufficient to commit the offense. (Wikipaedia)	
Facilitation Payments Bribery Act 2010	A facilitation payment is a type of bribe and should be seen as such. Facilitation payments were illegal before the Bribery Act came into force and they are illegal under the Bribery Act, regardless of their size or frequency.	A common example is where a government official is given money or goods to perform (or speed up the performance of) an existing duty.