

Anti-Corruption/Bribery Policy

Document History

Version	Date	Changed by	Description
0.10	01/11/2020	Jesse Whelan	Updated as per ACFID requirements
			Next review before annual board meeting

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Purpose

Plus Education has a well-established reputation for conducting business in an ethical and honest way. Bribery and corruption are morally wrong and could seriously damage Plus Education's reputation. Bribery is a criminal offence and any corrupt act exposes Plus Education and its employees to the risk of prosecution fines and imprisonment.

Plus Education will apply a "zero tolerance" approach to acts of bribery and corruption by any of our employees, officials or third-party representatives, each a "Plus Education Person". Senior Management will have the primary responsibility for implementing this policy within their areas of responsibility.

Any breach of this policy will be regarded as a serious matter by Plus Education and will result in disciplinary action up to and including termination of employment or contract.

Scope of Policy

This policy applies to all staff, Board members, volunteers, and partners of Plus Education including consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with Plus Education. Partners for Plus Education include Plus Education's subsidiaries (implementing partners) in India and Cambodia as well as other organisations with formal partnership agreements with Plus Education.



Policy

Plus Education is committed to the prevention of corruption and bribery through the promotion of an ethical and transparent environment where all personnel and partners actively participate in protecting the organisation's reputation and resources. Plus Education promotes a culture of trust, honesty and integrity and has a duty to protect any personnel who report breaches of its anti-corruption and bribery policy.

All personnel and partners will:

- Conduct themselves with integrity and demonstrate awareness of the importance of ethical practices;
- Ensure that they are familiar with and comply with Plus Education's Code of Conduct and ACFID's Code of Conduct;
- Develop and maintain effective controls to prevent corrupt practices;
- Ensure they are familiar with, and comply with anti-corruption procedures in their areas of responsibility; and
- Report any suspected corrupt acts as outlined in this policy

Definitions and procedures

1. What are bribery and corruption?

Bribery is the offer, promise, giving, demanding or acceptance of an advantage as an inducement for an action which is illegal, unethical or a breach of trust. Bribes can take on many different shapes and forms, but typically there will be a "quid pro quo" – meaning that both parties, or a party's designate, will benefit.

A bribe could be:

- The direct or indirect promise, offering, or authorisation, of anything of value (whether the value is material or not);
- The offer or receipt of any kickback, loan, fee, reward or other advantage; or
- The giving of aid, donations or voting, designed to exert improper influence.

Acts of bribery are designed to influence individuals to act dishonestly in the performance or discharge of their duty. For the purposes of this policy, whether the target of the act of bribery works in the public or private sector is irrelevant. Corruption is the misuse of office or power or influence for private gain.

2. Who may be guilty of bribery and corruption?

In the eyes of the law, bribery and corruption can be committed by:

- An employee, officer, or director; or
- Any person acting on behalf of another (i.e. a third-party representative); or
- Organisations which authorise, permit or facilitate others to carry out such acts.



People who are likely to be approached with bribes or corrupt conduct are generally those who are able to obtain, retain or direct business, or government officials involved in some aspect of the regulation or purchase of a company's products and services, for example, tendering and contracting, or the handling of administrative tasks such as licences, customs, taxes or import/export matters.

For the purposes of this policy, a "government official" could be:

- A public official, whether foreign or domestic;
- A political candidate or party official;
- A representative of a government-owned/majority-controlled organisation or a representative carrying out public services, e.g. healthcare services;
- An employee of a public international organisation (e.g. World Bank); or
- A healthcare professional working for a government or other public health institution.

3. Bribery and corruption laws and enforcement

Bribery is a criminal offence and penalties can be severe for both companies and individual employees. There is legislation in many countries, including Australia (the Criminal Code Act), the United States (the Foreign Corrupt Practices Act and Anti-Kickback Statute) and the United Kingdom (the Bribery Act), that prohibit bribery and corruption and are enforced with vigour by their respective enforcement authorities. Acts of bribery and corruption committed overseas may well result in a prosecution at home and in other jurisdictions.

4. Bribery and corruption prevention

i. *Risk Assessment*

Management must assess the vulnerability of each business unit to bribery and corruption risks. Where bribery and corruption risks are identified they should be managed in line with Plus Education's established risk management framework.

ii. *Accurate Books and Record-Keeping*

Management must ensure that books, records and overall financial reporting must also be transparent. That is, they must accurately reflect each and all underlying transactions.

iii. *Effective Monitoring and Control*

Management must take the necessary steps to maintain an effective system of internal control and monitoring to prevent bribery and corruption. This must include education and training of employees.



5. Key risk areas for bribery and corruption

i. *Gifts, entertainment and hospitality*

Gifts, entertainment and hospitality include the receipt or offer of gifts, meals or tokens of appreciation and gratitude, or invitations to events, functions, or other social gatherings, in connection with matters related to our business.

These activities are acceptable provided they:

- do not influence, or are not perceived to influence, objective business judgement; and
- are not prohibited or limited by applicable laws or applicable industry codes.

Plus Education Persons must not accept gifts or entertainment where to do so might influence, or be perceived to influence, objective business judgement.

As a general rule, Plus Education Persons should not provide any gifts to, or receive them from, government officials. With the prior approval of Plus Education management, rare exceptions may be permitted where a gift is an important local/cultural custom, and any such gift is permitted under applicable law and is of nominal value.

a) How to evaluate what is “acceptable”

First, each Plus Education Person must take a step back and ask the following when giving or receiving any gift, entertainment or hospitality:

- What is the intent – is it to build a relationship or is it something else?
- How would this look if these details were reported on the front of a newspaper?
- What if the situation were to be reversed – would there be a double standard?

If a Plus Education Person finds it difficult to positively answer one of the above questions, there is a risk involved that the gift, entertainment or hospitality could be, or could appear to be, improper and could potentially damage Plus Education’s reputation and business. The action could well be unlawful.

b) Never acceptable

Circumstances which are never permissible include examples that involve:

- A “quid pro quo” (a benefit or advantage offered for something in return);
- Gifts in the form of cash/or cash equivalent vouchers;
- Entertainment of a sexual or similarly inappropriate nature; or



- Making incomplete, false or inaccurate entries in Plus Education's books and records.

c) Sometimes acceptable

Activities that may be acceptable depending upon the particular jurisdiction and the particular person Plus Education does do business with include:

- Modest/occasional meals;
- Occasional attendance at ordinary sports, theatre and other cultural events; or
- Gifts of nominal value, such as pens, or small/low value promotional items.

If the person Plus Education does business with is a healthcare professional or government official there are often local laws and applicable industry codes that would further restrict activities that may be considered acceptable if the person was not a healthcare professional. Such further restrictions must always be adhered to.

ii. *Facilitation Payments*

A facilitation payment is a small payment made to a government official to secure or expedite the performance of a routine or necessary action (for example, the issue of a permit or license) to which the payer of the facilitation payment is entitled. It is Plus Education's policy that facilitation payments must not be made.

iii. *Political Donations, Charitable Donations and Sponsorships*

Neither Plus Education nor any Plus Education Person may make any direct or indirect contribution to any political party, organisation or individual engaged in politics as a way of obtaining an improper advantage in Plus Education's business. Plus Education must ensure that any charitable contribution or sponsorship is not being used as a subterfuge for bribery.

All political donations, charitable donations and sponsorships must be made in accordance with applicable local laws and regulations.

iv. *Use of Third Party Representatives*

For the purposes of this policy, the term "third-party" includes anyone who is not a Plus Education employee or Plus Education official (e.g. Board Member). As such, a "third-party" includes agents, distributors, consultants and joint venture partners.

Risk can be identified where a third-party conducts business activities on Plus Education's behalf or distributes Plus Education's products and services, so that the result of their actions can be seen as benefiting Plus Education.

Where potential risk regarding a third-party arrangement has been identified, management must:

- Evaluate the background, experience, and reputation of the third-party;



- Understand the services to be provided, and methods of compensation and payment;
- Evaluate the business rationale for engaging the third-party;
- Take reasonable steps to monitor the transactions of the third-party;

How to raise a concern

All Plus Education staff, Board members and partners have a responsibility to help detect, prevent and report instances not only of bribery and corruption, but also of any other suspicious activity or wrongdoing in connection with Plus Education's business such as fraud. Plus Education is absolutely committed to ensuring that all Plus Education staff and partners have a safe, reliable, and confidential way of reporting any suspicious activity. A person may report the issue/concern to their Manager or to the CEO. If the report involves suspected action against the CEO then the report should be detailed to the Chairperson of the Board. If a Plus Education staff member is not comfortable with speaking directly to a colleague or anyone mentioned above, Plus Education has a reporting or "whistle-blower" policy. Details of this have been communicated are set out in Plus Education's Whistle-blower Policy. In the event that an incident of bribery, corruption, or wrongdoing is reported, Plus Education will act as soon as possible to evaluate the situation.

Related documents

- HR policy (recruitment screening, Code of Conduct, obligations of staff and volunteers)
- Whistleblower policy
- Complaints policy
- Fraud Control policy