

DETECTION AND PREVENTION OF BRIBERY & CORRUPTION

IMMAF has a zero-tolerance approach towards bribery and corruption and promotes its prevention, deterrence and detection.

What are bribery and corruption?

Bribery is defined as the offering, giving, receiving or soliciting of any item of value to influence the actions of an official or other person in charge of a public or legal duty. The act of bribery is the intention to gain a personal, commercial, regulatory or contractual advantage.

Corruption can be defined as the abuse of power by an official for personal gain

Facilitation payments

Facilitation payments are unofficial payments made to officials in order to secure or expedite actions. These are not tolerated and are illegal in many jurisdictions.

Policy statement

IMMAF is committed to the prevention, deterrence and detection of bribery and corruption.

IMMAF commits to:

- Making all employees and representatives aware of their responsibilities to adhere strictly to this policy at all times
- Encouraging its employees and representatives to be vigilant and to report any suspicions of bribery or corruption
- Providing them with suitable channels of communication and ensuring sensitive information is treated appropriately.
- Rigorously investigating instances of alleged bribery and assisting legal authorities in any resultant prosecution, where applicable.
- Taking firm and vigorous action against any individual(s) involved in bribery.
- Provide information to all employees and representatives to report breaches and suspected breaches of this policy.
- Include appropriate clauses in contracts to prevent bribery corruption and deal with the consequences if it occurs.

Objective of this policy

This policy provides a clear and consistent framework for employees and representatives of IMMAF to ensure compliance with laws of England and Wales, under which the IMMAF administration resides, in line with IMMAF's Code of Ethics. This policy details the types of

offences within the Bribery Act 2010 (UK) and in conjunction with related policies and key documents provides guidance to staff and members should they identify a potential offence.

Scope of this policy

This policy applies to all of IMMAF activities and all personnel (permanent and temporary employees, directors, agency staff, volunteers, consultants and Members).

All personnel must comply with the IMMAF Code of Ethics, breach of which may be referred to the Ethics Committee for investigation and possible Disciplinary Hearing by the Arbitration Committee. Failure to comply can lead to a termination of employment or term, or revoking of membership, as applicable.

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for, representatives of or members of IMMAF, all of whom are required to avoid activity that breaches this policy.

We require that all employees, representatives and members:

- read, understand and comply with this policy
- raise concerns as soon as possible if it is believed or suspected that a conflict with this policy has occurred or may occur in the future.
- act honestly and with integrity at all times and safeguard IMMAF's resources for which they are responsible
- comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the IMMAF operates, in respect of the lawful and responsible conduct of activities

As well as the possibility of civil and criminal prosecution (either under the laws of England and Wales or according to the law of the jurisdiction in which the offence takes place), personnel breaching this policy will face disciplinary action, which could result in dismissal in cases of gross misconduct.

Key points of the UK Bribery Act 2010

There are four key offences under the Act:

Section 1 Offence of bribing another person:

This section makes it an offence when a person:

- Offers, promises or gives a financial or other advantage to another person and intends the advantage to induce a person to perform improperly a relevant function or activity or to reward a person for the improper performance of such a function or activity
or

- Offers, promises or gives a financial or other advantage to another person and knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity

Section 2 Being bribed:

This section makes it an offence when a person:

- Requests, agrees to receive or accepts a financial or other advantage intending that in consequence, a relevant function or activity should be performed improperly
- Requests, agrees to receive or accepts a financial or other advantage and the request, agreement or acceptance itself constitutes the improper performance of the person of a relevant function or activity
- Requests, agrees to receive or accepts a financial or other advantage as a reward for the improper performance of a relevant function or activity; or
- In anticipation of or in consequence of the person requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly

Section 6 Bribery of foreign public officials:

Under this section an offence is committed where a person:

- Intends to influence a foreign official in their official capacity and intends to obtain or retain business or an advantage in the conduct of business; or
- Offers, promises or gives any financial or other advantage to a foreign public official

Section 7 Failure of commercial organisation to prevent bribery

A relevant commercial organisation is guilty of an offence:

- If a person associated with the organisation bribes another person intending to obtain or retain business for the organisation or to obtain or retain an advantage in the conduct of business for the organisation and the organisation fails to take reasonable steps to implement adequate procedures to prevent such activity.

What are 'adequate procedures'?

In the first instance it is for an organisation to determine procedures which it considers proportionate, in IMMAF's case through its Ethics and Arbitration Committees. Ultimately, if bribery or corruption occurs, it may be that a court decide whether the procedures are adequate.

In determining procedures, we need to have regard to the following six principles:

1. Proportionate procedures

IMMAF's procedures to prevent bribery and corruption by persons associated with it are proportionate to the bribery risks it faces and to the nature, scale and complexity of its activities. They are also clear, practical, accessible, effectively implemented and enforced.

2. Top level commitment

The Board of Directors and Senior Management are committed to preventing bribery and corruption by persons associated with it. They foster a culture within the organisation in which bribery and corruption are never acceptable.

3. Risk assessment

IMMAF assesses the nature and extent of its exposure to potential external and internal risks of bribery and corruption on its behalf by persons associated periodically. The assessment is informed and documented.

4. Due diligence

IMMAF applies due diligence procedures, taking a proportionate and risk-based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, in order to mitigate identified bribery and corruption risks.

5. Communication (including training)

IMMAF seeks to ensure that its bribery and corruption prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training as necessary that is proportionate to the risks it faces.

6. Monitoring and review

IMMAF monitors and reviews procedures designed to prevent bribery and corruption by persons associated with it and makes improvements where necessary.

IMMAF is committed to proportional implementation of these principles.

Penalties

An individual found guilty of an offence by IMMAF may be subject to a suspension or revocation of membership or suspension or termination of employment or position or other appropriate penalties, as recommended by the Arbitration Committee. The individual may also be liable for imprisonment or a fine, depending on the jurisdiction under which the law has been broken or under which the individual is charged.

How do I raise a concern?

IMMAF is committed to ensuring that all its personnel and any external whistle-blowers have a safe, reliable, and confidential way of reporting any suspicious activity. We want each and every member of staff to know how they can raise concerns.

We all have a responsibility to help detect, prevent and report instances of bribery and corruption. If you have a concern regarding a suspected instance of bribery or corruption, please speak up – your information and assistance will help. The sooner you act, the sooner it can be resolved.

Employees or other whistle-blowers who raise concerns or report wrongdoing (e.g. that they have been offered a bribe or who have been asked to bribe a third party) can understandably be worried about whether there will be repercussions. We aim to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if those concerns turn out to be mistaken.

We are committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith.

Please refer to IMMAF's Whistleblowing Policy for advice about how to report a concern.