

APLE Cambodia

Antibribery, Corruption and Gifts Policy



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PP005# / Anti-bribery, Corruption and Gifts Policy

Introduction

Corruption is pervasive within societies, undermining the rule of law and the people's confidence that law and justice will be applied fairly and impartially. Corruption undermines APLE's vision to free children from sexual abuse and exploitation.

The Cambodian Anti-Corruption Law 2010 is made applicable to all forms of corruption throughout the Kingdom of Cambodia. Under this law, corruption is a criminal offence for both individuals and organisations and can be punished with a fine and imprisonment. It is a criminal offence of corruption to bribe the holder of a public office and it is similarly an offence for that office holder to accept a bribe.

Most other countries around the World have their own anti-corruption laws. APLE's opposition to corruption and refusal to engage in bribery or other corrupt practices will apply wherever a member of APLE staff or any person offering or seeking a bribe or other inducement is located.

APLE's stakeholders, such as the children whom APLE is dedicated to protect, their families whom APLE is dedicated to support, law enforcement agencies, courts, donors, other NGOs and those to whom APLE directs its advocacy, all depend upon APLE's integrity and objectivity. To preserve that integrity and objectivity, APLE cannot be involved in corruption, whether that involves the giving or receiving of bribes or other inducements. Even the appearance or suggestion of such involvement will damage APLE's reputation considerably.

Responsibility

The Executive Director is responsible for providing training to APLE staff to assist them in identifying corruption and understanding clearly APLE's policy towards it.

The Executive Director is responsible for maintaining procedures whereby gifts and entertainment provided by or to APLE staff can be disclosed and recorded and approved as necessary.

The Finance & Administration Manager is responsible for putting in place procedures to identify correctly all payments made by or to APLE so that inappropriate inducements or suspicious transactions can be identified and escalated.

The Chair of the Board is responsible for ensuring the safety of members of APLE staff reporting instances or suspicions of bribery or corruption and ensuring that APLE staff making such reports in good faith are not prejudiced or suffer personal, professional or economic detriment.

[See Complaints and Whistleblowing Policies]

Policy Statement

Bribes, Inducements and Payments

1. APLE does not permit any member of its staff to offer, or receive, or solicit the payment of, any bribe or other inducement or corrupt payment.
2. The solicitation, offer or receipt of such payment is prohibited by APLE regardless of where the member of APLE staff is located, or where the person offering the bribe or inducement is located.
3. The solicitation, offer or receipt of such payment is prohibited by APLE even if the proposed payment is regarded as normal commercial practice in the part of the World where it is to be made, or if other agencies permit, or are alleged to permit, such payments.
4. The solicitation, offer or receipt of such payment is prohibited by APLE regardless of how the payment is described – “agency fees”, “facilitation payments”, “advance commission” or similar. If it is implied that the payment is to bring about a particular result or service which has already been or will be properly and transparently paid for, or which should be provided as part of an individual’s proper duties, the payment is prohibited by APLE.
5. It is legitimate for APLE staff to entertain guests of APLE, or other persons whose aims are similar to APLE’s or persons to whom APLE is advocating its aims. Similarly, APLE staff may be entertained by those sharing APLE’s aims or those seeking APLE’s expertise, including (subject always to the Communications Policy and the Media Policy) journalists. The entertainment must be:
 - related to APLE’s vision, aims or activities;
 - proportionate, i.e. not lavish or excessive either in cost or frequency;
 - respectful, i.e. fitting with APLE’s role as an NGO dedicated to the protection of children and the support of their families;
 - unconditional, i.e. no additional service is expected in return for the entertainment.
6. The provision or receipt of entertainment by APLE staff must be recorded in writing and notified to Department Managers. Department Managers must report entertainment given or received within their departments to the Executive Director who will review the reports for inappropriate entertainment.
7. Entertainment given or received by the Executive Director or members of the Board must be reported to the Chair of the Board.

Gifts

8. It is legitimate for APLE staff to receive small, discreet courtesy gifts provided that they are only of symbolic value and the giving of the gift is unconditional. The receipt of such gifts must be recorded in writing and notified to Programme and Department

Managers. Programme and Department Managers must report gifts received within their departments to the Executive Director who will review the reports.

9. Gifts received by the Executive Director or members of the Board must be reported to the Chair of the Board.
10. The giving of gifts by APLE staff must be approved in advance by the Executive Director or the Chair of the Board.
11. It is inappropriate for APLE staff to be given gifts by the children they are helping or the children's families. Where, however, the gift is small and symbolic, and to decline it might cause offence, then the gift may be accepted, but its receipt must be reported to the Executive Director, the Child Protection Officer, or the Chair of the Board.

Donations and sponsorship

12. APLE does not make any contributions to politicians, political parties or election campaigns.
13. APLE may make charitable donations in cash or in kind, subject to the amount and purpose of the donation being documented and approved by the Board.
14. APLE may sponsor events organised by a third party, subject to the amount and purpose of the sponsorship being documented and approved by the Board. The sponsorship must be proportionate and solely to raise APLE's profile or otherwise advance APLE's vision and aims.
15. APLE may receive commercial sponsorship to fund activities such as training, awareness materials and general meetings, subject to the proposed sponsorship being documented and approved by the Board. The sponsor must be demonstrably a suitable partner in APLE's activities; the amount of the proposed sponsorship must be proportionate and subject to a written agreement.
16. Deliberate or inadvertent breaches of this policy by any member of APLE staff must be reported immediately to the Executive Director. Concerns or suspicions of breaches of this policy by any other member of APLE staff must be reported under the "SpeakUp"/Whistleblowing Policy and the confidentiality and protection provisions of that policy will apply.