

# BaseballSoftballUK Policy



## BSUK CODE OF CONDUCT, ANTI-BRIBERY, FRAUD AND CORRUPTION POLICY

### Introduction

BSUK is committed to the highest standards of ethical conduct and integrity in its business activities in the UK and overseas. This policy outlines BSUK's position on preventing and prohibiting bribery, in accordance with the Bribery Act 2010. BSUK will not tolerate any form of bribery by, or of, its employees, agents, coaches or consultants or any person or body acting on its behalf. Senior management is committed to implementing effective measures to prevent, monitor and eliminate bribery.

### Scope of this Policy

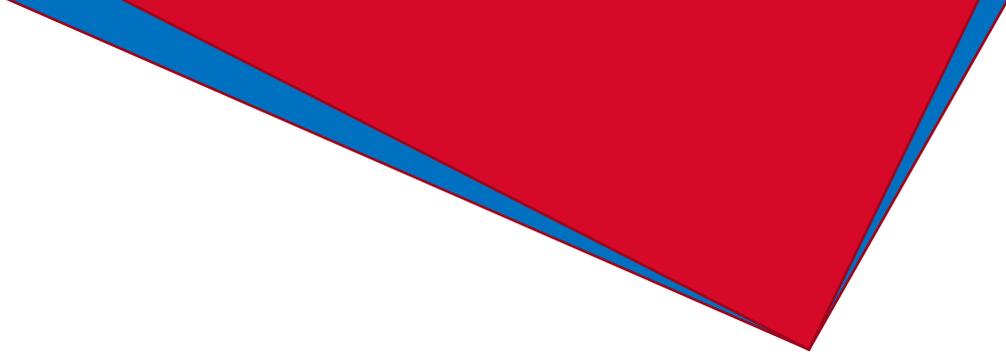
This policy applies to all employees and officers of BSUK, and to volunteers, consultants, contractors, coaches, agents and subsidiaries acting for, or on behalf of, BSUK within the UK and overseas. Every employee and associated person acting for, or on behalf of, BSUK is responsible for maintaining the highest standards of business conduct. Any breach of this policy is likely to constitute a serious disciplinary, contractual and criminal matter for the individual concerned and may cause serious damage to the reputation and standing of BSUK.

BSUK may also face criminal liability for unlawful actions taken by its employees or associated persons under the Bribery Act 2010. All employees and associated persons are required to familiarise themselves and comply with this policy, including any future updates that may be issued from time to time by BSUK.

### Potential Penalties

Bribery and corruption are punishable for individuals by up to ten years' imprisonment and if BSUK is found to have taken part in corruption it could face an unlimited fine, be excluded from tendering for public contracts and face damage to BSUK's reputation. BSUK therefore takes its legal responsibilities very seriously.

### Bribery Act 2010



The UK legislation on which this Policy is based is the Bribery Act 2010 and it applies to BSUK's conduct both in the UK and abroad. A bribe is an inducement or reward offered, promised or provided in order to obtain or retain business or to gain any commercial, contractual, regulatory or personal advantage.

It is an offence in the UK to:

- offer, promise or give a financial or other advantage to another person (i.e. bribe a person), whether within the UK or abroad, with the intention of inducing or rewarding improper conduct
- request, agree to receive or accept a financial or other advantage (i.e. receive a bribe) for or in relation to improper conduct
- bribe a foreign public official.

Employees can be held personally liable for any such offence.

### **Gifts and Hospitality**

This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties.

The giving or receipt of gifts is not prohibited, if 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 local law;
- it is given or received in BSUK's name, not in an employee's name;
- it does not include cash or a cash equivalent (such as gift certificates or vouchers);
- it is appropriate in the circumstances, for example, it is customary for small gifts to be given at Christmas;
- taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time;
- it is given openly, not secretly; and
- gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties.

The underlying principle is that any such practices must be proportionate, reasonable and made in good faith. Clear records must be kept.

## **Records**

All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness. No accounts should be kept "off-book" to facilitate or conceal improper payments.

Employees must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with BSUK financial procedures and specifically record the reason for the expenditure.

## **Working overseas**

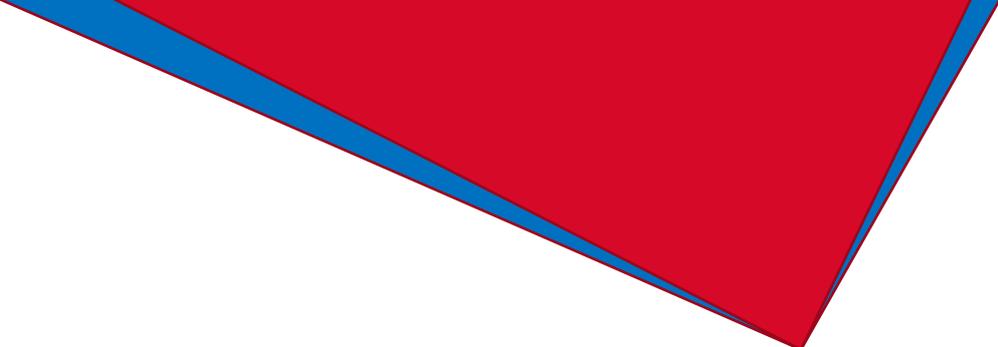
Employees and associated persons conducting business on behalf of BSUK outside the UK may be at greater risk of being exposed to bribery or unethical business conduct than UK-based employees. Employees and associated persons owe a duty to BSUK to be extra vigilant when conducting international business.

## **Facilitation Payments**

Any payment or gift to a public official or other person to secure or accelerate the prompt or proper performance of a routine government procedure or process, otherwise known as a "facilitation payment", is also strictly prohibited. Facilitation payments are not commonly paid in the UK but they are common in some other jurisdictions.

## **Reporting suspected bribery**

BSUK depends on its employees and associated persons to ensure that the highest standards of ethical conduct are maintained in all its business dealings. Employees and associated persons are requested to assist BSUK and to remain vigilant in preventing, detecting and reporting bribery (see BSUK Whistle Blowing Policy).



If an employee or associated person is in any doubt as to whether or not a potential act constitutes bribery, the matter should be reported either to their line manager or the Head of Operations. Issues that should be reported include:

- any suspected or actual attempts at bribery;
- concerns that other employees or associated persons may be being bribed; or
- concerns that other employees or associated persons may be bribing third parties, such as clients or government officials.

Employees or associated persons who report instances of bribery in good faith will be supported by BSUK. BSUK will ensure that the individual is not subjected to detrimental treatment as a consequence of their report (see BSUK Whistle Blowing Policy). Any instances of detrimental treatment by a fellow employee because an employee has made a report will be treated as a disciplinary offence.

Any reports will be thoroughly and promptly investigated by the Head of Operations in the strictest confidence. Employees and associated persons will be required to assist in any investigation into possible or suspected bribery.

Employees suspected of bribery may be suspended from their duties while the investigation is being carried out. BSUK will invoke its [Disciplinary Procedure](#) (see BSUK Employee Handbook) where any employee is suspected of bribery, and proven allegations may result in a finding of gross misconduct and immediate dismissal. BSUK may terminate the contracts of any associated persons, including consultants or other workers who act for, or on behalf of, BSUK who are found to have breached this policy.

## **Fraud and Corruption**

BSUK is committed to protecting the funds to which it has been entrusted. The minimisation of losses to fraud and corruption is essential for ensuring resources are used for their intended purpose.

This Policy sets out the control of fraud and suspected fraud within BSUK.

## **Prevention**

BSUK recognise that fraud and corruption are costly, both in terms of reputation and financial losses. The prevention of fraud is therefore a key objective and respective roles and responsibilities are outlined below.

## **Employees**

A key preventative measure in the fight against fraud and corruption is to take effective steps at the recruitment stage. These will be to establish, as far as possible, the previous record of potential staff, in terms of their propriety and integrity. In this regard, temporary staff should be treated in the same manner as permanent.

Recruitment will be undertaken in accordance with the BSUK Recruitment and Selection Policy. Whenever possible, written references should be obtained regarding the known honesty and integrity of potential employees, before formal employment offers are made.

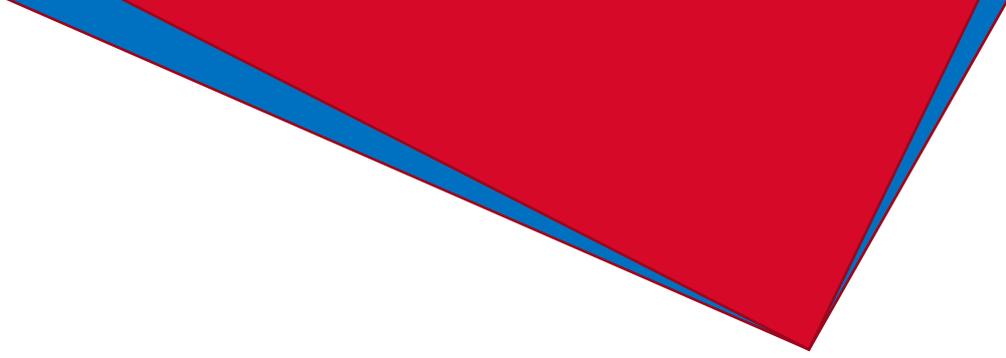
All employees must abide by the BSUK Code of Conduct, which sets out requirements on personal conduct.

We recognise that staff are often the first line of defence in preventing fraud. Financial regulations place responsibility for fraud prevention on all employees. Employees should therefore be alert to the possibility of fraud and to report any concerns (see BSUK Whistleblowing Policy).

BSUK has Disciplinary Procedures in place. Anyone found to have committed any acts of impropriety will be dealt with in accordance with these procedures. Where criminal activity is suspected or found, the matter will be referred to the police for investigation and possible prosecution, in accordance with the Criminal Acts Procedure. In addition, restitution will be sought from those who are found to have perpetrated fraudulent acts.

## **Identifying fraud**

Fraud encompasses a wide range of irregularities and illegal acts, all of which are characterised by intentional deception. Normally fraud involves the intentional distortion of financial information or other records which is carried out to conceal the misappropriation of assets or otherwise for gain.



Frauds can be attempted or carried out in a number of ways. They include:

- the theft of cash, cheques or equipment
- the falsification of travel and subsistence or other expense claims
- unauthorised use of property or services paid for by BSUK
- irregularities in the tendering for, execution or pricing of goods and services supplied to BSUK by third parties
- corruption including the personal receipt of payment or benefit from a third party as an inducement to procure a benefit to that party from BSUK

### **BSUK Board**

The BSUK Board takes a most serious view of any attempt at fraud by employees of BSUK. Anyone involved in impropriety of any kind will be subject to disciplinary and dismissal procedures and may be subject to criminal prosecution.

### **Responsibilities**

A culture of honesty, propriety and vigilance, which includes individuals at all levels, is fundamental to preventing fraud. Everyone needs to be alert to the risk of fraud and irregularity and have a role in limiting the scope for fraud by abiding strictly to instructions and procedures for handling all matters with potential for fraudulent use or application. Managers should ensure that adequate controls and checks are in place and are carried out effectively. You have a responsibility to identify activities in your area with the potential for fraud and managers should develop appropriate and adequate procedures to manage risks.

### **Action to be taken if fraud is discovered or suspected**

If you discover fraud or attempted fraud it should be reported immediately as appropriate but normally to your line manager, the CEOs or a Board Director. Any decisions to involve the police or other outside bodies will be taken by the BSUK Chair and the CEOs.

BSUK will form an independent Investigation team that will be responsible for undertaking investigations into all allegations of fraudulent activity. Where appropriate individuals shall:

- report allegations swiftly

- record all evidence received
- ensure that evidence is sound and adequately supported
- secure all evidence collected
- report to the Operations Manager and CEOs

Reporting suspected irregularities is essential to the Fraud and Corruption Policy and ensures consistent treatment of information regarding fraud and corruption and proper to ensure the optimum protection of BSUK's interests.

The BSUK Whistleblowing Policy provides a clear path for individuals to raise concerns of malpractice in any aspects of BSUK's work, without the fear of recrimination or victimisation.

BSUK will take appropriate action to protect any individual who has raised a concern in good faith. The Policy deals with the reporting of fraud or alleged fraud through formal channels, whether this is to a line manager, the Operations Manager or the CEOs. The Policy also covers making disclosures to external bodies if there is an unsatisfactory outcome to a disclosure made internally.

The BSUK Disciplinary Policy will be used where the outcome of the any investigation indicates improper behaviour. Where a disciplinary panel finds that fraud has taken place, dismissal may result.

Where financial impropriety is discovered, relating to employees, members, or grant recipients, the matter may be referred to the police in accordance with the Criminal Acts Procedure. Referral to the police will not necessarily prohibit action under the disciplinary procedure.

BSUK's external auditors also have powers to investigate fraud and corruption.

## **Training**

BSUK recognises the success and credibility of its Fraud and Corruption Policy will depend largely on how effectively it is communicated throughout the organisation and beyond. To this end, details of the Policy should be provided to all BSUK staff and volunteers and addressed as part of any induction process.

BSUK supports the concept of induction training, particularly for employees involved in internal control systems, to ensure that their responsibilities and duties in this respect are regularly highlighted and

reinforced.

## **Deterrence**

There are a number of ways to deter potential fraudsters from committing or attempting fraudulent or corrupt acts, whether they are inside or outside of BSUK, and these include:

- Publicising the fact that BSUK is firmly set against fraud and corruption and stating this at every appropriate opportunity, e.g. statements in contracts, on claim forms, in publicity literature and also sharing information with other organisations.
- Acting robustly and decisively when fraud and corruption is suspected and proven, e.g. the termination of contracts, the dismissal and/or prosecution of offenders.
- Taking action to effect the maximum recoveries for BSUK, e.g. through agreement, court action, penalties, insurance, superannuation etc.
- Having sound internal control systems, that still allows for innovation and calculated risk, but at the same time minimising the opportunity for fraud and corruption.

## **Conclusions**

BSUK has in place a clear network of systems and procedures to assist it in the fight against fraud and corruption. It is determined that these arrangements will keep pace with any future developments, in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation or related responsibilities. To this end, BSUK maintains a continuous overview of such arrangements.

The Fraud and Corruption Policy provides a comprehensive framework for tackling fraudulent and corrupt acts against BSUK. The approval of the Policy by the BSUK Board demonstrates the commitment to protecting funds and minimising losses to fraud and corruption.

## **Review of Procedures**

BSUK will monitor and review the implementation of this policy and related procedures on a regular basis, including reviews of internal financial procedures, expenses, corporate hospitality, gifts and entertainment policies.

BSUK reserves the right to amend and update this policy as required. For the avoidance of doubt, this policy does not form part of employees' contracts of employment.

