

Anti-Money Laundering and Bribery Policy

Policy statement

Fair Game UK (FGUK) takes its responsibility for ensuring the establishment and maintenance of systems of internal control for the prevention and detection of fraud, irregularities and corruption as non-negotiable and will not tolerate fraud, corruption or abuse of position for personal or institutional gain. It is therefore the policy of FGUK to comply fully with applicable provisions of the Proceeds of Crime Act 2002, Terrorism Act 2000, Bribery Act 2010 and Money Laundering Regulations 2007 and all amending legislation.

Purpose

The purpose of this policy is to ensure FGUK's compliance with anti-money laundering (AML), bribery and corruption laws and regulations, to assist law enforcement in combating illegal money laundering, and to minimise the risk of FGUK resources being used for improper purposes.

Scope of the policy

This policy aims to maintain the high standards of conduct which FGUK currently enjoys. This will be achieved by ensuring that FGUK does not get:

- Used by third parties for the purpose of money laundering
- Receive bribes that are intended to influence FGUK decision making
- Is subjected to corrupt, dishonest and or illegal behaviour

This policy applies to everyone involved in FGUK. i.e., employees, volunteers, suppliers, students and work experience personnel, agency workers, contractors, beneficiaries and the Board of Directors.

This policy is made available internally throughout FGUK and management is required to ensure that everyone is aware of it and receives appropriate information.

Failure to comply with this policy can lead to disciplinary action.

Money Laundering

By definition, money laundering is the practice of cleaning up money that has, for some reason, been obtained illegally. Money laundering can occur in many ways. It may happen by dispersing money through many different bank accounts (to hide its origins) but can occur when FGUK is used unwittingly as a "trading partner". This could be directed at FGUK or

through an organisation where we have a close relationship, such as a funder, who may be an individual, commercial organisation, or football club.

Procedures

- A named Director acts as the Money Laundering Reporting Officer (MLRO) to receive disclosures from anyone involved in FGUK of any suspected money laundering activities. The Secretary will act as temporary MLRO if the MLRO is not available.
- The MLRO is responsible for carrying out FGUK's AML procedures.
- The MLRO will ensure that proper records are maintained on all the relevant activities and steps taken to deal with them.

Due diligence

FGUK should carry out procedures that help to identify donors or other providers of income before entering into a relationship or transaction with them.

FGUK should, where applicable:

1. Identify the donor and verify their identity.
2. Take adequate measures where some donors need or want their privacy.
3. Accept that in some cases, the identity of the donor may not be easy to verify, in which case other measures need to be developed.
4. Continuously monitor the situation and;
5. Maintain proper records of all checks made.

Policy on disclosure

If anyone knows, suspects or has reasonable grounds for thinking or suspecting that a person is engaged in money laundering or terrorist financing, they must report such matters to the MLRO immediately. Disclosure should be made on a standard form available from the MLRO which requires:

1. Details of the people involved
2. Type of transaction
3. The relevant dates
4. Why there is a suspicion
5. When and how activity is undertaken
6. Likely amounts
 - The MLRO will acknowledge receipt of the disclosure within an agreed response period.
 - The MLRO will consider the report and any other information available.
 - Once the MLRO has evaluated the disclosure or other information, they will determine if:
 1. There are reasonable grounds for suspecting money laundering and steps to be taken;
 2. There is actual money laundering or terrorist financing; and
 3. Whether they need to report the matter to the National Crime Agency (NCA).

All disclosure reports referred to by the MLRO and reports made by them to the NCA will be retained for a minimum of 5 years.

Bribery and Corruption

The Bribery Act 2010 applies to individuals and companies, including non-for-profit companies. It sets out 4 criminal offences:

- Bribing an individual or company.
- Being bribed by an individual or company.
- Bribing a foreign public official.
- Corporate failure to prevent bribery.

Examples of bribery and corruption:

- Bribery can arise in day-to-day situations such as; tendering, appointing preferred suppliers, contractors and agents, awarding licences or offering jobs.
- Provision of lavish hospitality by FGUK for public officials
- Use of FGUK funds, in the form of payments or gifts and hospitality for any unlawful, unethical or improper purpose.
- Authorisation of, making, tolerating or encouraging, or inviting or accepting, any improper payments in order to obtain retain or improve business.
- Permitting anyone to offer or pay bribes or make facilitation payments on behalf, of FGUK or do anything else FGUK would not be permitted to do itself.
- Offering/giving anything of value to a public official (or their representative) to induce/reward them for acting improperly in the course of their public duties.
- Offering/accepting gifts or hospitality, where this might impair objective judgment, improperly influence a decision or create a sense of obligation, or if there is a risk it could be misconstrued or misinterpreted.

This list is not exhaustive.

The Act is not limited to activity in the UK or UK companies. It covers payment to a public service provider to speed up the performance of the service or delivery. Whilst these activities are commonplace in some places, the Act considers them to be bribery. Clearly the main thrust of this legislation is aimed at businesses which operate overseas. There is no exemption because it is a local custom. The standard expected is of a reasonable person in the UK.

Directors do not need to be aware of the bribery to be liable. An offence can be committed by an organisation if any bribe is paid by any person associated with it, therefore Directors need to have a robust policy stating who may act on their behalf and what actions they may take and needs to be communicated to all Directors, staff, volunteers, agents and fundraisers. Directors should also take steps to monitor who may be acting on their behalf without proper permission.

Risk Assessing should consider the following common risk exposures:

- **Country Risk** – where the business is trading.
- **Sector Risk** – some sectors carry a higher risk than others.

- **Transactional Risk** – the type of spending – some categories are easier to corrupt than others.
- **Business Opportunity Risk** – high value projects, projects not undertaken at market prices or involving contractors or intermediaries.
- **Business Partnership Risk** - joint ventures, overseas agents or ventures linked to prominent public officials.

The penalties for conviction under the Act are:

- **Individuals** – unlimited fine to imprisonment for 10 years.
- **Directors** – may be disqualified from acting as company directors.
- **Companies** – unlimited fines and exclusion from tendering for public contracts.

Tainted Donations

Parallel legislation is now in force in respect of what are called tainted donations. This is a replacement for the substantial donor provisions and largely driven by corporation tax requirements. A tainted donation is not necessarily a criminal offence, but it will be construed as not for general operational purposes and thus liable to tax as trading income.

The legislation is intended to catch donations which are given “with strings attached” where the donor expects a measurable benefit in return.

Directors and anyone receiving donations on behalf of the organisation must ensure that they are able to identify the source of donations and to identify any conditions in writing or merely implied which could cause a problem. Obviously, this is not to prevent genuine restricted donations which are given for a particular purpose within the general operational activities of FGUK. Any donation over the value of £30 must be accompanied by a name and address. Any donation received from overseas or with a value of more than £5,000 should be reported to the MLRO who will advise of other details which may be required, including proof of ID.

FGUK expects any criminal activity, known or suspected, to be reported to its CEO.