

**CENTER FOR HEALTH, HUMAN RIGHTS AND
DEVELOPMENT (CEHURD)**

ANTI-FRAUD, ANTI-BRIBERY AND ANTI-CORRUPTION POLICY

REVISED APRIL, 2020

Core Values and Principles

Inclusion and Non-Discrimination

We recognize that our core constituency that we work with - women and girls, children and youth, sexual minorities, persons with disabilities,, ethnic minorities, people living with HIV/AIDS and/or TB, elderly and survivors of violence, torture and conflict are often systemically discriminated due to deeply rooted structural power relations. We think about diversity and inclusion as a point of strength. We will ensure that CEHURD Governance and Management is led by a team that espouses justice, non-discrimination and ensures equality of opportunity, externally for our core constituency and internally for our staff within the organization.

Empowerment

We pride ourselves for being part of the journeys of many rights holders and duty bearers as they find their voices and speak out on the right to health.

Equity

We know that our society is founded on the idea of fairness, equity and equality, encapsulated in the principle of "Ubuntu". Crucially, a society that is fair and equal also helps improve all other public value outcomes.

Confidentiality and Privacy

We derive our legitimacy by speaking on behalf of many whose right to health is violated and threatened. As legal service providers and advocates on the right to health, our interventions enable us to come into contact with information that we are obliged to keep in the highest level of confidentiality. We treat each and every client of CEHURD with utmost confidentiality and privacy. Confidentiality is also a key tenant of our internal policies and organizational culture.

Innovation, Drive and Excellence

We are relentless in our pursuit of success. We defy conventional wisdom and approach each day with innovation. Together we approach each day with the energy, passion, fearlessness, innovation and persistence to exceed expectations. We continue to be a professional organization that invests itself in learning and innovation.

Transparency and Accountability

We are accountable not only to those that support our work but to those that we represent. We are accountable to our core constituents that we represent, while also holding government, private sector, civil society and other actors to accountable to their obligations. We act consistently with our Mission being honest and transparent in what we do and say, and accept responsibility for our collective and individual actions. We are all champions of our Organization. We take personal responsibility for achieving our objectives. We do what we say we shall do. We do what is right, not merely what is expected.

Teamwork and Oneness

We are all CEHURD people. We value working together as a team to achieve our objectives. We treat each other with respect regardless of our status or diversities.

Integrity and Professional Ethics

We act with openness, integrity and trust. We believe that the highest ethical conduct is central to who we are and what we stand for. We act professionally and together we celebrate our success with understated pride. We walk the talk; we resolve to build and promote a strong culture of integrity in all that we do so that we can all build a better society for the future.

Learning and Reflection

We are a learning organization. We believe in learning that accommodates new experience and results. We ask for help, admit to our mistakes and put things right. Our work is based on open and flexible processes of learning, mutual inquiry and participation. We know it is important than ever to be flexible and agile, with plenty of resourcefulness and creativity to respond effectively to challenges and take advantage of new opportunities in this fast-changing world.

Mutuality and Partnership

We are one organization across all functions and geographies. We work towards a common goal through cooperation and partnership at local, national, regional and international levels. We will ensure that we work with others and value partnerships with like-minded actors – individuals, organizations, institutions and progressive social movements.

Anti-Fraud, Anti-Bribery and Anti-Corruption Policy

1. Introduction

The Center for Health, Human Rights and Development (CEHURD)'s core values highlight the fact that we uphold integrity, professionalism and ethical conduct of all staff at all times and we have zero-tolerance for any practices of fraud, bribery and corruption. CEHURD is committed to conducting business fairly, openly and honestly; and in accordance with the highest ethical and legal standards. Based on this commitment, the Policy outlines the principles to which we are committed in relation to preventing, reporting, and remediate fraud, bribery and corruption. It also outlines the individuals' responsibility for dealing with such incidents.

2. Purpose

The purpose of this policy is to:

- (a) set out CEHURD's stance on fraud, bribery and corruption and its approach to preventing, detecting, reporting and investigating fraud, bribery and corruption;
- (b) help CEHURD staff, partners, consultants and suppliers, to identify when actual or potential fraud, bribery and corruption issues arise; and
- (c) provide information and guidance on how to recognize and deal with fraud, bribery and corruption.

3. Policy statement

- (a) CEHURD has a 'zero tolerance' policy towards fraud, bribery and corruption. This means that CEHURD:
 - does not accept any level of fraud, bribery or corruption within the organization or by any other individual or organization receiving CEHURD funds or representing CEHURD; and
 - will always seek to take disciplinary and/or legal action against those found to have perpetrated, be involved in, or assisted with fraudulent or other improper activities in any of its operations.
- (b) CEHURD is committed to developing an anti-fraud culture and keeping the opportunities for fraud, bribery and corruption to the absolute minimum.
- (c) CEHURD requires all staff to act honestly and with integrity at all times and to safeguard the resources for which they are responsible.

4. Scope of the Policy

This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to other procedures e.g. disciplinary action. These concerns could include:

- financial malpractice or impropriety or fraud

- failure to comply with a legal obligation or Organization Statutes
- dangers to Health & Safety or the environment
- criminal activity
- improper conduct or unethical behaviour
- attempts to conceal any of these

It can be difficult to decide whether a particular action falls within the procedures and it may be that, when concerns are investigated, it appears appropriate to address them through other more specific procedures. For instance, the Organization has policies and procedures in place covering staff grievances, complaints and discipline matters. In such cases, the matter will not normally be considered under this policy.

5. Definitions

- 5.1. **Fraud** is the use of deception by an individual with the intention of obtaining an advantage for himself or herself or for a third party or parties, avoiding an obligation, or causing loss to another party through deception, extortion, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts, or other unethical acts.
- 5.2. **Bribery** is giving, offering or promising someone a financial or other advantage to encourage that person to perform their functions or activities improperly, or to reward someone for having already done so.
- 5.3. **Corruption** is the misuse of entrusted power or position for personal gain. This would include dishonest or fraudulent behavior by those in positions of power, such as managers or government officials. It would include offering, giving and receiving bribes to influence the actions of someone in a position of power or influence, and the diversion of funds for private gain.
- 5.4. A person acts **improperly** where they act illegally, unethically, or contrary to an expectation of good faith or impartiality or where they abuse a position of trust. The improper acts may be in relation to any business or professional activities, public functions, acts in the course of employment, or other activities by or on behalf of an organisation of any kind. Unethical behaviour is also as may be described in the organisation's human resources manual and local legislation.

6. Who must comply with this policy?

Anti-Fraud, Anti-Bribery and Anti-Corruption Policy applies to all persons working for CEHURD as members of staff, volunteers, interns, Community Health Advocates; and individuals or organizations working with or on CEHURD's behalf in any capacity, including consultants and suppliers.

7. Responsibilities

- 7.1. The overall responsibility for this Policy is with the Executive Director and delegated to various leads within the organization.

- 7.2. The prevention, detection and reporting of fraud, bribery and corruption is the responsibility of all those working for and with CEHURD.
- 7.3. Every member of staff is responsible for acting with propriety in the use of CEHURD's resources and the handling and use of funds whether they are involved with cash, receipts, payments or dealing with suppliers.
- 7.4. The Board of Directors are responsible for establishing and maintaining a sound system of internal control that supports the achievement of CEHURD's policies, aims and objectives.
- 7.5. The Senior Management Team is responsible for ensuring that an adequate system of internal control exists within their areas of responsibility and that controls operate effectively.

8. How to raise a concern

- 8.1. Where possible the staff should raise any matter of concern, serious or otherwise with the line manager. This may be done either verbally.
- 8.2. If the staff feels unable, for whatever reason, to raise the matter with the line manager, he/she may go to one of the directors.
- 8.3. If these steps have been followed and the staff still feels he/she has concerns, or that they have not been addressed, or that he/she cannot discuss the matter with any of the above then the staff should contact the Executive Director, or the Board Chair, or any other member of the Board.
- 8.4. The person who receives the concern will listen and consider the concern in full; and determine whether any action is needed. This may mean reporting it to a more senior member of staff or to any Board member.
- 8.5. Making allegations of fraud, bribery or corruption that the individual knows to be false or is done with intent to mis-inform is a violation of this Policy and will be followed up for appropriate action.
- 8.6. CEHURD will maintain a system for recording: all reports of actual or suspected fraud, bribery and corruption; the action taken; and the outcome of any investigation. It will use this information to inform its review of the risks and the effectiveness of its controls.
- 8.7. In all cases, the employee is encouraged to exhaust CEHURD's internal procedures before contacting external sources.
- 8.8. All reports of actual or suspected violations under this policy from outside CEHURD should be directed to the Office of the Deputy Executive Director or other designated office whose contact details shall be published on CEHURD's website. Internal CEHURD personnel may also use this option depending on the gravity or sensitivity of the matter.

9. Investigation

- 9.1. CEHURD management will take all reports of actual or suspected fraud, bribery and corruption seriously, and investigate proportionately and appropriately. The purpose of the investigation is to establish the facts. All work of the investigation team should be documented, including transcripts of interviews conducted. The investigation should be held in a timely manner and the Executive Director should be informed of any major developments.
- 9.2. Management will always seek to take disciplinary and/or legal action against those found to have perpetrated or assisted with fraudulent or other improper activities in any of its operations. For staff, this may include dismissal. It will also seek to recover any assets lost through fraud.
- 9.3. In order to ensure confidentiality, as per the Human Resource investigation guidelines; 'A confidentiality clause is part of the interview notes sign-off statement, and breaches of confidentiality may result in disciplinary action for employees of CEHURD'. To maintain confidentiality, disclosure of details of the allegation being investigated should be appropriate to the situation and to the person being interviewed, whilst not misleading the witness in anyway.
- 9.4. Where external expert advice is required, for example the opinion of a lawyer, this advice should be summarized in an appendix to the investigation report.

10. Investigation Team

- 10.1. Investigations should be completed either by appropriately experienced independent CEHURD staff, or by independent third parties. Where the fraud has financial implications it is recommended that a person with suitable financial skills and experience is a part of the investigation team. An investigation is required to be done without regard to any person's relationship with CEHURD, position or length of service.
- 10.2. The Executive Director will not be involved in the investigation directly as he/she will be the one to review the investigation report and be involved in the decision on any disciplinary action to be taken. The investigation team should comprise at least two members.
- 10.3. When conducting their investigation, investigators must be very alert not to act in a way or reveal documents or other information that will allow others to guess that there is a whistle blower involved or to work out who they might be. The safeguards for reporting employees must be applied in all cases.

11. Investigation Report

The conclusion of all fraud investigations must be documented. The Investigation Report will contain all details relating to the investigation and a timeline of all the events which took place. The Report will also include the transcripts of any interviews undertaken and any legal advice received as an appendix. The report may also contain the recommendations of the investigation team on the course of action to be taken.

- 11.1. The Executive Director should forward the written report/conclusions to the persons requiring notification and agree the appropriate action to be taken. The person(s) that initially reported the suspicions should be informed of the outcome of the investigation but this should be done only once the report and proposed course of action has been finalized.
- 11.2. The process should follow the disciplinary and grievances handling procedures as stated in the Human Resource Manual.

12. Specific Risk Mitigation Measures

- 12.1. To manage the exposure to bribery and corruption, all gifts and hospitality received by staff and given to Public Officials must be approved in line with the delegated authorities and recorded on the Gifts and Hospitality Register.
- 12.2. Conflicts of interest are known to increase the risk of fraud. Therefore all staff who have an interest in an actual or potential supplier (whether personally, or through family members, close friends or associates) must report that conflict of interest to their manager.

13. Training and Communication

- 13.1. Training on this policy forms part of the induction process for all individuals who work for or with CEHURD and regular training will be provided as necessary.

14. Breach of this Policy

- 14.1 Any member of the class of persons noted above (section 6) who breaches this policy will be subjected to organizational action as may be outlined in the relevant organizational policies and manuals including but not limited to Human Resources Manual, provisions in contractual agreements and applicable laws.

15. Revision of the Policy

- 15.1. Revision of this Policy shall be done on need basis.

Signed by:

Board Chairperson Date:

Executive Director Date:

