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**1 Policy Summary**

- 1.1 The trustees of Zimbabwe Partnership Trust (ZPT) have a 'zero tolerance' policy towards fraud, bribery and corruption. We shall always seek to take disciplinary and /or legal action against those found to have perpetrated fraud (para 6.1.2).
- 1.2 ZPT is committed to developing an anti-fraud culture and keeping the opportunities for fraud, bribery and corruption to the absolute minimum (para 6.2).
- 1.3 ZPT assesses the risks of fraud, bribery and corruption, has established processes and controls to minimise these risks, and regularly reviews the effectiveness of its control systems (paras 7.2 and 7.6).
- 1.4 ZPT requires all staff to immediately report any incidents or suspicions of fraud, bribery or corruption to an appropriate manager or another person named in Appendix A - Raising Concerns. ZPT will not penalise anyone for raising a concern in good faith (paras 8.1, 8.2 and 8.4).
- 1.5 ZPT will take all reports of fraud, bribery and corruption seriously, and investigate proportionately and appropriately as set out in the Appendix B - Fraud Response Plan (para 9.1).
- 1.6 ZPT requires all those receiving ZPT funds or representing ZPT, including its suppliers, grant recipients, partners, contractors and agents, to act in accordance with this policy. This includes reporting to the ZPT any suspected or actual instances of fraud, bribery or corruption involving ZPT assets or staff (paras 4.3 and 8.3).



## 2 Introduction

- 2.1 ZPT complies with applicable legislation. Its trustees are required under charity law to safeguard the assets of the charity [ref.1].
- 2.2 ZPT is committed to conducting business fairly, openly and honestly and in accordance with the highest ethical and legal standards.

## 3 Purpose

- 3.1 The purpose of this policy is to set out ZPT's stance on fraud, bribery and corruption and its approach to preventing, detecting, reporting and investigating fraud, bribery and corruption.

## 4 Scope of the Policy

- 4.1 This policy applies to ZPT worldwide, including its overseas partners and any separate legal entities owned and controlled by ZPT.
- 4.2 This policy is applicable to, and must be followed by, all staff including consultants and contractors. Failure to comply could result in disciplinary action, including dismissal.
- 4.3 ZPT requires all those receiving ZPT funds or representing ZPT, including its suppliers, grant recipients, partners, contractors and agents, to act in accordance with this policy.

## 5 Policy

- 5.1 Our policy is set out in the following paragraphs numbered from 6 to 14.
- 5.2 The remaining paragraphs are for guidance and reference.

## 6 Policy Statement

- 6.1 ZPT has a 'zero tolerance' policy towards fraud, bribery and corruption. This means that ZPT:
  - 6.1.1 does not accept any level of fraud, bribery or corruption within the organisation or by any other individual or organisation receiving ZPT funds or representing ZPT; and
  - 6.1.2 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.
- 6.2 ZPT is committed to developing an anti-fraud culture and keeping the opportunities for fraud, bribery and corruption to the absolute minimum.
- 6.3 ZPT requires all staff to act honestly and with integrity at all times and to safeguard the resources for which they are responsible [ref.2].

## 7 Risk and Internal Control Systems

- 7.1 ZPT assesses the nature and extent of its exposure to the risks of internal and external fraud, bribery and corruption. ZPT regularly reviews these risks, using information on actual or suspected instances of fraud, bribery and corruption to inform its review [ref.3].
- 7.2 ZPT seeks to implement efficient and effective systems, procedures and internal controls to: encourage an anti-fraud culture; prevent and detect fraud, bribery and corruption; and reduce the risks to an acceptable level.
- 7.3 ZPT seeks to equip its staff with the skills, knowledge and expertise to



manage its fraud risk effectively. It will provide adequate training to make staff aware of the risks of fraud, bribery and corruption, and of their responsibilities in preventing, detecting, and reporting it.

7.4 ZPT will work with relevant stakeholders, including comparable organisations, relevant regulators and government organisations to tackle fraud.

7.5 ZPT regularly reviews and evaluates the effectiveness of its systems, procedures and internal controls for managing the risk of fraud. It will do this through risk management and assurance processes and audit arrangements.

## 8 Reporting - Internal

8.1 All staff must immediately report any suspected or actual instances of fraud, bribery or corruption, including offers to pay bribes, solicitation of bribes and demands to make facilitation payments.

8.2 Reports should be made to an appropriate trustee or to the Treasury Team (the Secretary and Treasurer). If staff are not comfortable reporting their concerns to these people, Appendix A - Raising Concerns sets out to whom staff can report.

8.3 ZPT will not penalise anyone for raising a concern in good faith, even if it turns out to be unfounded. Any members of staff who harass or victimise someone for raising a concern in good faith will themselves be subject to disciplinary action.

8.4 ZPT 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.



**9 Reporting – External**

9.1 ZPT will fully meet its obligations to report fraud, bribery and corruption to third parties. The Fraud Response Plan in Appendix B sets out: the parties to whom suspected or actual fraud, bribery or corruption must be reported; the nature and timing of the disclosure required; and who is responsible for making the report.

**10 Investigation**

10.1 ZPT will take all reports of actual or suspected fraud, bribery and corruption seriously, and investigate proportionately and appropriately as set out in this policy and the Fraud Response Plan.

10.2 The Fraud Response Plan sets out responsibilities for investigating fraud, bribery and corruption, the procedures for investigating, action to be taken and external reporting.

10.3 ZPT 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.

**11 Approval of Losses**

11.1 All losses as the result of fraud must be recorded on the loss register and approved in compliance with ZPT's delegated authorities.

**12 Specific Risk Mitigation Measures**

12.1 To manage 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 in Appendix A.

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.

12.3 The Conflicts of Interest Policy [ref.4] has been developed with this in mind.



### 13 Responsibilities

- 13.1 The Principal Fraud Officer (the Treasury Team) is the owner of ZPT's counter fraud work and the counter fraud champion to the Trustees. The responsibilities of the PFO are:
  - 13.1.1 creating and implementing ZPT's counter fraud strategy and for managing the counter fraud function.
  - 13.1.2 recording all instances of actual or suspected fraud, bribery and corruption, ensuring that they are investigated proportionately and appropriately, and reported to external parties. They are also responsible for providing advice and training to staff on preventing, detecting and investigating fraud. This includes investigating cases where specialist input is required due to the complex nature of the case.
  - 13.1.3 ensuring that their staff are aware of and support this policy and that all incidents of fraud, bribery or corruption are reported.
- 13.2 Trustees receiving reports of fraud, bribery and corruption are responsible for reporting them in accordance with Appendix A.
- 13.3 All staff are responsible for complying with this policy.

### 14 Definitions

- 14.1 Fraud is knowingly making an untrue or misleading representation with the intention of making a gain for oneself or another or causing a loss, or risk of loss, to another.
- 14.2 Bribery is giving or offering someone a financial or other advantage to encourage that person to perform his functions or activities improperly, or to reward someone for having already done so.
- 14.3 A facilitation payment is a type of bribe. An example is an unofficial payment or other advantage given to a public official to undertake or speed up the performance of his normal duties.
- 14.4 Corruption is the misuse of entrusted power for personal gain. This would include dishonest or fraudulent behaviour 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.
- 14.5 A conflict of interest is where an individual has private interests that may or actually do influence the decisions that he makes as an employee or representative of an organisation.

## **15 Further Guidance on Fraud**

- 15.1 Summary of legislation
- 15.1.1 The relevant legislation in the UK is the Fraud Act 2006.
- 15.1.2 The Fraud Act 2006 defines a general offence of fraud and sets out three ways by which fraud can be committed:
  - 15.1.2.1 fraud by false representation. A representation is false if it is untrue or misleading, and the person making it knows that it is, or might be, untrue or misleading.
  - 15.1.2.2 fraud by failing to disclose information.
  - 15.1.2.3 fraud by abuse of position. This applies to those occupying a position in which they are expected to safeguard, or not to act against, the financial interests of another person.
- 15.1.3 In each case, the offence is to act dishonestly with the intention of making a gain for oneself or another or causing a loss, or risk of loss, to another. The criminal act is the attempt to deceive so attempted fraud is therefore treated as seriously as accomplished fraud.
- 15.1.4 Examples of fraud that may be or become relevant to ZPT:
- 15.1.5 Procurement fraud:
  - 15.1.5.1 Staff colluding with suppliers and ordering and paying for goods or services that are not required and/or have not been delivered or are charged at an excessive rate.
  - 15.1.5.2 Staff or third parties creating false invoices, receipts, purchase orders or supplier identities in order to obtain payment for goods and services that have not been supplied.
  - 15.1.5.3 Staff awarding a contract, or preferential terms, to a supplier in return for payments, personal discounts, commission or other benefits; or awarding a contract to a relative or other connected party.
- 15.1.6 Fraudulently altering documents or records:
  - 15.1.6.1 Grant recipients not spending grant funds on purposes intended, or keeping funds for personal use, and falsifying records to support false claims.
  - 15.1.6.2 Staff issuing false receipts to customers in order to keep the funds paid for personal use.
  - 15.1.6.3 Staff or third parties altering vendor payment details to divert supplier payments to own bank account.
  - 15.1.6.4 Staff fraudulently altering exam papers or exam results or releasing details of exam papers in return for a bribe or in order to favour a relative.
  - 15.1.6.5 Staff or trustees fraudulently altering accounting records.
- 15.1.7 Expenses fraud:
  - 15.1.7.1 Staff or trustees claiming expenses or allowances to which they are not entitled, including by falsifying receipts.
  - 15.1.7.2 Staff or trustees using ZPT bank cards for personal expenses.
  - 15.1.7.3 Staff or trustees using ZPT assets, such as mobile phones, for their own personal use other than incidental use with prior agreement.
  - 15.1.7.4 Staff, trustees or contractors falsifying travel and subsistence or other expense claims.
- 15.1.8 Fraud involving impersonation:

- 15.1.8.1 Staff or third parties impersonating ZPT in order to extract fees for a service which the Trustees do not provide, or do not charge for.
- 15.1.8.2 Staff or third parties submitting false applications from real or fictional individuals or organisations for grants.
- 15.1.9 Payroll fraud:
  - 15.1.9.1 Staff creating non-existent employees for directing payments.
  - 15.1.9.2 Staff or temporary staff making false or inflated claims for overtime or flexible working.

## **16 Further Guidance on Bribery**

- 16.1 Summary of legislation
- 16.2 The relevant legislation in the UK is the Bribery Act 2010.
- 16.3 The Act makes it an offence to give or receive a bribe, i.e. to:
  - 16.3.1 Offer, promise or give a financial or other advantage to other persons with the intention of inducing them to perform their functions improperly, or to reward them for having done so.
  - 16.3.2 Request, agree to receive or accept a financial or other advantage as the reward for an improper function or activity.
- 16.4 It also makes it an offence to bribe a foreign public official. A foreign public official is someone elected or appointed to a legislative, administrative or judicial position in an overseas government or other public agency or organisation. It is an offence to offer such persons a financial or other advantage with the intention of influencing them in the performance of their official duties.
- 16.5 The Act also creates a corporate offence of failing to prevent bribery. This means that ZPT could be liable if someone offers a bribe on its behalf, including employees and third parties carrying out ZPT business, such as partners and suppliers. The Act applies to UK organisations operating overseas, so ZPT could be prosecuted if any of its staff worldwide offer or solicit a bribe; this is why the policy applies globally.
- 16.6 Examples of bribes relevant to ZPT:
  - 16.6.1 Advantages that could be offered as part of a bribe:
    - 16.6.1.1 Cash, vouchers or other cash equivalents, or a "fee".
    - 16.6.1.2 Gifts.
    - 16.6.1.3 Hospitality or entertainment (outside what would be modest and reasonable in the business context).
    - 16.6.1.4 ZPT paying travel and accommodation costs to a third party where this is not standard business practice (e.g. not expenses for staff or exam invigilators).
    - 16.6.1.5 ZPT staff receiving travel or accommodation free of charge from a supplier.
    - 16.6.1.6 Loans.
    - 16.6.1.7 Favourable business terms.
    - 16.6.1.8 Discount of services or providing services free of charge (or 'uninvoiced').
    - 16.6.1.9 Provision of information that offers a business or personal advantage.
  - 16.6.2 Offering or receiving one of the above advantages could count as a bribe if any of the following was offered or given in return:

- 16.6.2.1 Award of contract to particular bidder.
- 16.6.2.2 Performance of normal duties by a foreign public official.
- 16.6.2.3 Altering exam paper or marks.
- 16.6.2.4 Obtaining information that would put an individual or ZPT at an advantage, such as the content of exam papers, or information about a competitive tender.
- 16.6.2.5 Any other preferential treatment influenced by the receipt of an advantage.
- 16.7 The following would not usually count as bribes:
  - 16.7.1 Payment of an official charge, such as a visa
  - 16.7.2 Normal hospitality provided in the course of business, such as provision or acceptance of a modest meal at a working event.
- 16.8 Whether a provision of a particular item or service counts as a bribe depends upon the context and level of hospitality (etc.) offered. The Bribery Act is not intended to prohibit reasonable and proportionate hospitality or business expenditure. Genuine hospitality or similar business expenditure that is reasonable and proportionate, is in line with normal ZPT policy and practice. Judgement is required and the decision depends upon the level of hospitality provided and the level of influence the person receiving it had on the business decision in question.

## **17 Further Guidance on Facilitation Payments**

- 17.1 A facilitation payment is making a payment or offering an advantage to a public official to undertake or speed up the performance of his normal duties. Facilitation payments are a form of bribe and are illegal under The Bribery Act 2010.
- 17.2 Examples of facilitation payments relevant to ZPT:
  - 17.2.1 Making a payment to clear items through customs. These are not acceptable and must not be made.
  - 17.2.2 Offering a government minister exceptional hospitality (i.e. beyond a modest meal) whilst trying to win a contract.
  - 17.2.3 Making a 'non-official' payment to police to guard a building or provide security services.
  - 17.2.4 ZPT staff being offered free meals or accommodation (outside what would be modest and reasonable in the business context) in an effort to obtain favourable treatment.
  - 17.2.5 Making a payment to pass through border controls.
- 17.3 Exceptions
  - 17.3.1 The Bribery Act recognises that there are circumstances in which individuals are left with no alternative but to make payments in order to protect against loss of life, limb or liberty, and the common law defence of duress is likely to be available.
    - 17.3.2 This might apply in particular to being asked to make a payment to pass through border controls. In these circumstances, staff should follow these steps:
      - 17.3.2.1 If asked for a payment, refuse. If the official insists, ask where the requirement for a fee is displayed, and ask for a receipt.
      - 17.3.2.2 If they continue to insist, without being able to provide evidence that the





- fee is legitimate, ask for a supervisor and inform him that you would be prosecuted if you make this payment.
- 17.3.3 The Bribery Act recognises that there are circumstances in which individuals are left with no alternative but to make payments in order to protect against loss of life, limb or liberty, when the common law defence of duress is likely to be available. If you feel that refusing to pay puts you at risk of loss of life, limb or liberty make the payment and report it to as soon as possible as set out in Appendix A to the Treasury Team. They will decide whether this should be reported to authorities. The fact that you have made it difficult for the officials to obtain a bribe may deter them from asking others.



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## Appendix A Reporting Requirements Raising Concerns

The policy requires reports to be made in a variety of circumstances:

- 1 Raising concerns
- 2 Gifts and Hospitality Register
- 3 Cases of duress
- 4 Suspicions of Money Laundering

In general terms, reports should be made in the first instance to the Chairman of the Trustees. If the chairman or close associate is implicated, then the report should be made to an independent trustee.

Specifically, in the following cases, reports should be made as follows:

- Recording gifts and hospitalities - to the Secretary who will maintain a Gifts and Hospitality Register.
- Offers to pay bribes, solicitation of bribes and demands to make facilitation payments – to the Treasurer who will maintain a record.

Suspicions of money laundering are dealt with specifically in the Anti-Money Laundering Policy [ref.5].



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## Appendix B Fraud Response Plan

This sets out:

- 1 the parties to whom suspected or actual fraud, bribery or corruption must be reported;
- 2 the nature and timing of the disclosure required;
- 3 the responsibilities of the recipient of the report;
- 4 actions to be taken after investigation. Reports should be made in the first instance to the Chairman, the Treasurer and another trustee provided they are not implicated by the report, otherwise to any two other trustees.

Reports should be made as soon as suspicions arise or evidence becomes available, and should contain full disclosure such as the timing, events, nature of the act, and individuals involved as the reporter has available.

The Treasurer, or other nominated trustee, has responsibility together with two other trustees, normally the Chairman and Secretary, to investigate the report. If criminal activity is identified, then the investigators have a duty to report to the relevant authorities in the UK their findings. The report will then be delivered to the authorities in the name of ZPT.

Actions to be taken after the investigation:

After internal investigation of allegations of fraud, the trustees should record the conclusions of the investigation in a meeting convened for that purpose and resolve whether further action need to be taken, including whether a report or reports should be made to any relevant authorities.

Necessary reports will be made to relevant authorities.

A register will be kept of reports received and the outcome, but details of individuals identities should not be included unless allegations are proven.

## Document Change History

Issue	Date	Amended By	Amendment Details
1.0	28/01/2022	ZPT	First version
1.1	30/04/2024	Shaun Hexter	First draft using new template
1.2	24/06/2024	Stuart Moffatt	Comments, suggested revision of Appendix A
1.3	29/07/2024	Shaun Hexter	New appendices
1.4	19/08/2024	SM/SHH	Review
2.0	19/10/2024	ZPT	Approved

## References

Ref.	Name	Version	Author	Date
1	Protecting charities from harm: compliance toolkit	-	<a href="https://www.gov.uk/government/collections/protecting-charities-from-harm-compliance-toolkit">https://www.gov.uk/government/collections/protecting-charities-from-harm-compliance-toolkit</a>	03/09/2013
2	ZPT Code of Conduct Policy	1.0	ZPT	18/03/2023
3	ZPT Risk Management Policy	2.0	ZPT	19/10/2024
4	ZPT Conflicts of Interest Policy	1.0	ZPT	18/03/2023
5	ZPT Anti-Money Laundering Policy	2.0	ZPT	21/10/2023