



WOMEN RELIEF AID
Hope for Women and Children in Crisis

WOMEN RELIEF AID

Anti-Fraud Policy

WRA Anti-Fraud Policy

Member:	<ul style="list-style-type: none"> • all board members/trustees, board committee members and company members of each of WRA together with WRA's branches/liaison offices in programme states; • all WRA employees (Head Office and Field), secondees, interns and volunteers; and • all consultants/contractors/suppliers (including internal consultants with a WRA email address) • all WRA partners must adhere to either: WRA's Policy, in which case they shall implement their own reporting and management system; or their own internal, corresponding policy with standards equivalent to WRA's Policy. In either case, they shall certify compliance to WRA periodically.
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1. Introduction

WRA is committed to acting professionally and fairly in all of its dealings and relationships, employing the highest standards of openness, transparency and accountability. WRA promotes a culture of honesty and integrity, and totally opposes any form of fraud, bribery or corruption.

Fraud, bribery and corruption impact disproportionately on the poor and the most vulnerable people in the world. Such criminal activities divert resources intended for humanitarian assistance and development away from our intended beneficiaries; they increase the costs of basic public services; and undermine economic growth. Such actions are a barrier to poverty alleviation and good governance.

WRA's Board(s) ED and Senior Management Teams are committed to the implementation of this policy and to ensuring that training and support is provided to all employees and Board members on its content, and on their individual and collective responsibilities.

2. Applies to

The WRA Anti-Fraud Policy applies to all Members of WRA.

"WRA" and all WRA branches and/or liaison offices in programme in South Sudan and any subsequent subsidiaries/affiliates incorporated from time to time.

"Members" are defined as:

- all board members/trustees, board committee members and company members of WRA (as defined);
- all employees of WRA (Head Office and Field);
- all secondees, interns and volunteers of WRA;
- all consultants/contractors/suppliers (including internal consultants with a WRA email address) of WRA; and
- all WRA Partners (i.e. those entering into partnership agreements with WRA South Sudan). Staff with responsibility for managing partnerships must ensure that this Policy is included or referenced in any agreements with partners.

3. Purpose

The purpose of the WRA Anti-Fraud Policy is to provide clear definitions of what we mean by fraud, bribery and corruption. It is also a definitive statement to Members (as defined) making clear that WRA will not tolerate fraudulent or corrupt activities, and the giving or receiving of bribes. This policy summarizes the responsibilities of all Members (as defined) to adhere to and uphold WRA's position on fraud, bribery and corruption.

4. Definitions

a. What is Fraud?

Fraud is used to describe a range of illegal activities. These include, but are not limited to, deception, forgery, theft, the false reporting or concealment of material facts, collusion and corruption (including bribery) and intentional undeclared conflicts of interest (Col), or non-adherence to Col instructions (see WRA's Conflicts of Interest Policy).

Examples of fraud other than bribery, include, but are not limited to:

- Theft of money, property or assets
- Inappropriate use of company assets
- Submitting false expense claims
- Forging, tampering with or falsely creating documents, including printed and electronic materials, records, onlinematerials and electronic devices
- Destroying or removing documents or records
- Knowingly creating or distributing false financial information or reports
- Deliberately ignoring or acquiescing in fraudulent activity
- False Accounting
- Unlawful Use of a Computer
- Use/Custody of False Instruments
- Counterfeit Currency, possession/use in or outside the State

b. What is Bribery and Corruption?

Bribery and corruption have a range of definitions in law. The following is a plain language guide.

Bribery: The unlawful act of offering or receiving any gift, loan, fee, reward or other advantage (taxes, services, donations, etc.) to or from any person as an inducement to do something which is dishonest, illegal or a breach of trust, in the conduct of one's duties.

Corruption: The abuse of entrusted power or influence for private gain.

While the below list is not exhaustive, following are some examples of bribery:

- A potential supplier offers money or a gift to influence a procurement/tender process.
- A job applicant offers payment or a gift to increase his/her chances of being hired.
- A gift (e.g. excessive hospitality) is offered to a local official, in return for him/her approving a proposal.
- An NGO hires the daughter of a local official; the following month the NGO asks the official to grant an important permit.
- A potential or actual beneficiary offers a payment or a gift in return for allowing him/her or their family to be given aid to which they are not entitled.
- A government official asks for a payment to secure an NGO registration.
- A customs official asks for an unofficial payment or gift to release goods (The last two examples may also be considered facilitation payments, which are simply another form of bribery – see policy statement section).

c. What is a 'Facilitation Payment'?

This is usually a bribe in the form of a small, unofficial payment. It is made to secure or expedite the performance of a routine or necessary action to which the person making the payment has legal or other entitlement, e.g. an unofficial payment made to a border guard/officer in return for a speedier crossing.

d. What are 'Kickbacks'?

Kickbacks are typically payments made in return for a business favor or advantage.

e. What are 'Payments under Duress'?

Payments made under duress are in response to demands accompanied by threats to life, limb or liberty.

f. What are 'Gifts and Hospitality'?

These can range from small gifts or promotional materials (such as diaries and pens) to expensive hospitality (such as drinks, dinner or a holiday). Extravagant gifts and hospitality may be thinly-veiled bribes intended to induce improper behavior.

5. WRA Policy Statement

WRA has zero tolerance for fraud, bribery or corruption in any form.

Where criminality occurs, the loss is not just to WRA but, much more importantly, to WRA's beneficiaries who are among some of the poorest and most vulnerable people in the world. It may also have a major impact on WRA's reputation and, as a consequence, donor confidence in WRA. This, again, ultimately impacts upon our beneficiaries. WRA will conduct, manage, and monitor all aspects of our work in a way that reduces and eliminates opportunities for fraudulent or corrupt activity, including the giving or accepting of bribes. Moreover, not only is accepting bribes not tolerated, but the intention to do either (i.e. agreeing to accept) is likewise not acceptable and can be considered as an offence.

Facilitation Payments and 'Kickbacks'

WRA prohibits the making or accepting of facilitations payments and 'kickbacks'. If someone suspects any such payments to be solely for the purposes of facilitation, they should ask that a detailed receipt be provided. If there appears to be no legitimate reason for a request for a payment, it should be explained that WRA does not make or accept facilitation payments. If a WRA employee feels it is safe and appropriate to do so, they should ask to speak to the supervisor of the person requesting the payment. Such instances should also be reported confidentially through womenrelief.org@gmail.com.

If a receipt can be provided and the Member (as defined) does not suspect the payment is for the purposes of facilitation, a payment will be allowable.

Payments under Duress

It is permissible for a payment to be made in the rare and exceptional circumstances where it is believed necessary to protect against loss of life, limb or liberty (except in the case of lawful detention). If possible, the circumstances and proposed payment should be discussed in advance with a line manager. In all such cases an incident report must be submitted, as per the WRA Security Policy.

Gifts and Hospitality

The giving or receiving of gifts (other than those deemed to be small promotional items) by or on behalf of WRA is not permitted under any circumstances. Where corporate gifts are donated by supporters they will be managed in line with WRA's Guidance on Management of Gifts.

Members (as defined) must exercise great caution when offering or accepting hospitality and entertainment. They must be certain that what is being offered is not designed to gain improper benefit or does not otherwise amount to fraud, bribery or corruption.

The providing or accepting of hospitality or entertainment is allowed, as long as:

- a. It is not done with the intention of influencing the behavior of the recipient;
- b. It is done openly;
- c. It complies with local law.

If a Member (as defined) wishes to offer entertainment or hospitality, it must be authorized by a senior manager in advance and in accordance with WRA's Guidance on Management of Gifts.

Due diligence assessments are carried out by a member of the fundraising team if it is ascertained that a funding opportunity falls under one of the following categories:

- Solicited Large Corporate Donation >€5,001
- Unsolicited Large Corporate Donation >€5,001
- Cause Related Marketing Opportunity
- Corporate Supporter new to WRA
- Trust or Foundation new to WRA

6. Responsibilities

WRA Board Members (as defined) are responsible for protecting WRA and the communities we serve from the impact of fraud, bribery and corruption by always acting in accordance with this policy and WRA's Code of Conduct.

The Investigations Unit is responsible for overseeing the investigation of all allegations or complaints of Wrongdoing, including those concerns related to fraud and bribery. The Investigation Unit also develops strategies for the prevention, detection and investigation of Wrongdoing and liaises with Law enforcement authorities where needed.

a. Boards of Directors

WRA's Boards of Directors are responsible and accountable for ensuring that the Organisation is Compliant with all of its obligations.

The Audit and Risk Committee, which reports in to the Boards of Directors, oversees the implementation of this policy through its oversight of WRA's Internal Audit Function and the Investigations Function. The Audit and Risk Committee also oversee the Complaints Response Function through oversight of the Complaints Response Director. Regular (six times per year) reports of suspected or alleged cases of fraud, bribery and corruption are brought to Audit and Risk Committee by these functions and on an 'as required' basis guided by the nature of any suspected or alleged activity.

b. Managers and Senior Staff

It is incumbent upon WRA managers and senior staff to set an example by complying fully with WRA's policies, procedures and controls. Managers and senior staff are responsible for ensuring that employees under their charge are trained up on and fully understand the WRA Anti-Fraud Policy, and the consequences of non-compliance.

Managers and senior staff should be familiar with and alert to the types of fraud, bribery and corruption that might occur in their area(s) of responsibility. In particular they should:

- Ensure that this policy and all WRA's systems, financial controls and procedures are fully understood by staff
- Frequently check that these are being fully observed and implemented
- Regularly review and, where necessary, update controls and procedures
- Enable staff to assess programmes, projects initiatives for fraud and bribery risks
- Consider the reporting of fraud to the relevant law enforcement and/or regulatory authorities
- Consider all available avenues to recover any losses to WRA or its donors arising from fraud
- Ensure that all instances of suspected fraud are escalated to the Complaints Response Group (CRG) in WRA Head Office
- Ensure that all instances of suspected fraud are assessed and if necessary, investigated.

c. All Employees

It is the responsibility of every WRA employee to carry out their work and conduct themselves at all times in such a way as to prevent fraud, bribery and corruption. All Members must be alert to and report any actual or suspected instances of fraud, bribery and corruption.

d. Responsibility of the Organisation

WRA will take all reasonable steps and exercise all due diligence to avoid the commission of a corruption offence including Periodic Risk Assessments. The WRA Audit and Risk Committee (ARC) shall regularly (at minimum, once a year) assess risks, including those covered by this policy; assess, update and record existing and potential risks to the organization's human and material assets.

WRA is also working on assessing current controls addressing corruption, with the South Sudan bribery and corruption assessment tool.

7. Raising a concern

If someone connected to WRA, or a Member is offered or asked to pay a bribe, they must refuse and explain that bribery runs totally counter to WRA's Anti-Fraud policy. If someone suspects that fraud, bribery or corruption is, has, or is likely to take place; they should at the earliest opportunity report the matter in accordance with the WRA Whistleblowing Policy. The interests and well-being of those making a report will be fully protected by WRA's Whistleblowing Policy.

Failure on the part of a Member to report actual or suspected fraud, bribery or corruption, may lead to disciplinary procedures being instigated, up to and including dismissal and/or legal proceedings. WRA may have a legal obligation to report actual or suspected fraud, bribery or corruption to relevant authorities. Individuals found guilty of committing fraud, bribery or corrupt acts may face penalties including fines and imprisonment. Furthermore, under Irish law, certain acts of corruption committed by Irish citizens or residents may be prosecuted under Irish law, even if the act was committed outside of Ireland.

If a Member knowingly lodges a false report, this will be regarded as a serious disciplinary offence and dealt with in accordance with WRA's disciplinary procedures.

WRA's Investigation Unit has a particular responsibility to investigate allegations of serious Wrongdoing in WRA (as defined), including allegations of fraud, bribery and corruption. Members who suspect an actual or suspected Wrongdoing should normally raise this concern using Speak Up. The contact details for the Complaints Response Director are:

Phone: (211) 925695599/0920149047

Email: womenrelief.org@gmail.com

Address: Complaints Response, Munuki Block C, Juba, South Sudan

In addition, communities, suppliers and Partners are encouraged to raise their concerns in the first instance under WRA's internal disclosure procedure. It is recognized, however, that this may not always be appropriate.

WRA has an externally managed hotline for staff and suppliers through which whistleblowing disclosures can be made. MTN can be contacted 24 hours a day from anywhere in the world. Disclosures made through MTN will include as much relevant information as possible before being passed to WRA. Disclosure reports will be passed to the Complaints Response Director for action, or if this is not appropriate, to the ED or WRA's Board of Directors.

8. Communication and Training

As part of the mandatory induction given to new Members to WRA. WRA will effectively communicate and provide training on our Anti-Fraud Policy. Ongoing refresher courses and training on anti-fraud will also be conducted.

WRA aims to be a sector leader on counter fraud and is committed to knowledge sharing not only internally, but in the sector more widely. To this end WRA commits to participating in external workshops, panels and workshops to strengthen lesson learning throughout the sector.

9. Compliance with this policy

Compliance with all WRA Policies, including this Anti-Fraud Policy, forms part of a Member's annual appraisal.

Any violations of this Anti-Fraud Policy, including any failure to report fraud, bribery or corruption (actual or potential), will be dealt with in accordance with WRA's Disciplinary Procedure and may result in a disciplinary sanction up to and including termination of employment or removal from a WRA board, or expulsion from being a committee member or company member.

WRA reserves the right to report any suspected fraudulent or criminal activities to the relevant authorities.

10. Oversight

WRA continues to develop and assess fraud, bribery and corruption risks, across the project/programme cycle in every country including gap analysis, risk assessments and associated registers, Audit Risk Committee and Board Review and regular review of vendor/ partner agreements. These processes are updated as required to ensure that bribery and corruption risks are assessed and addressed at all levels of the organisation.

11. Data Protection

Any information provided to WRA under this Anti-Fraud Policy will be processed in accordance with applicable data protection law and for the purposes set out herein. This will include the processing of information to ensure that Members act in the best interests of WRA and that WRA complies with the requirements of all donor contracts. Such information will be also declared in WRA's accounts and annual report where required under applicable law or accounting guidelines.

12. Associated Policies and Procedures

The WRA Anti-Fraud Policy is linked to and must be read in conjunction with:

- WRA Whistleblowing Policy
- WRA Code of Conduct
- WRA Conflict of Interest Policy
- WRA Security Policy and Crises
- Management Plans Guidance on Management of Gifts

Appendix I: Fraud Red Flags

This list is not exhaustive as the ingenuity of those involved in fraud, bribery and corruption cannot be overestimated:

- Abnormal cash payments
- Pressure exerted for payments to be made urgently, or ahead of schedule without appropriate rationale
- Payments being made through a third-party country - for example, goods or services supplied to country 'A' but payment is being made, usually to a shell company, in country 'B'
- An abnormally high commission percentage being paid to a particular agency. This may be split into two accounts for the same agent, often in different jurisdictions
- Private meetings with public contractors or companies hoping to tender for contracts
- Lavish gifts being offered or received
- A person who never takes holidays, time off when ill, or insists on dealing personally with specific contractors
- Unexpected or illogical decisions made to accept projects or contracts
- An unusually smooth processing of cases where an individual does not have the required level of knowledge or expertise
- Abuse of the decision-making process or delegated powers in specific cases
- Agreeing to contracts, even where the terms or the time period are not favourable to WRA
- An unexplained preference for certain contractors during the tendering period
- Avoidance of independent checks on the tendering or contracting processes
- Raising barriers around specific roles or departments that are key to the tendering or contracting processes
- Invoices being agreed in excess of the contract, without reasonable cause
- Missing documents or records of meetings or decisions
- Company procedures or guidelines not being followed
- Lack of sufficient / independent oversight of practices and procedures
- Payment(s) on behalf of others of high value expenses

Internal Policies

- Your organization does not anticipate fraud and believes kickbacks, collusion, and theft are rare
- For "security" or "reputational" reasons, your organization claims it cannot share information with other partners about corrupt staff, vendors, or sub-partners
- Your organization has been operating in the area for several years and continues to have a number of waivers and deviations from normal policy
- Your organization does not provide conflict-of-interest or anti-fraud training or materials

Partner Management

- You believe the sub-partner is the only organization in the area with access
- You do not conduct random site visits at your sub-partners' offices, warehouses, clinics, etc.
- Your sub-partner has no fraud reporting mechanism for beneficiaries and staff

Procurements

- Your organization has a high threshold for publicly advertised procurements.
- Your organization frequently uses sole source waivers and frequently justifies procurement decisions with subjective product quality or capacity reasons.
- Staff collects bids in person from the same vendors without witnesses or rotation.
- Procurement staff solicits tenders with very short response times or specifications such that only a specific vendor could win the contract.
- You select vendors based on quality but do not keep bid samples for later review.
- Your quality control process is based on contract specifications and not the bid sample.

Medical and Pharmaceutical Programmes

- You use one employee to deliver all clinic or hospital staff salaries in Syria, for example, and do not conduct verifications to ensure all staff are real and received payment in full.
- Inventory is not properly tracked and documented to prevent distribution of expired items.

Warehousing and Storage

- Inventory counts and reconciliations are not periodically performed.
- Warehouses are not organized and inventory is not sorted and properly labeled.
- Vendor delivery inspections never find any discrepancies.

Transportation and Distribution

- You believe you cannot implement many monitoring and evaluation safeguards, like site visits and video recorded distributions, due to security.
- You have no capacity to operate in an area without a sub-partner.

Feedback Mechanisms

- Your organization does not have an independent beneficiary feedback mechanism
- There is no way for staff at your organization or your sub-partner to report complaints to personnel outside of their immediate supervisors.

Reporting

- You have never received an allegation of fraud.
- You fire staff or take action without notifying donor(s) of the incident.
- Previous incidents have not been reported expeditiously.
- Your organization conducts its own internal investigations of fraud or theft-related incidents without notifying donor(s).
- Your organization has conducted numerous fraud investigations relating to a single project and found no concrete evidence of fraud.