

THE GBVF RESPONSE FUND1

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Anti-Bribery and Anti-Corruption Policy July 2021

SIGN OFF AND REVIEW

		Date
Reviewed by	Audit and Risk Committee	21 June 2021
Approved by	Board of Directors	09 July 2021

Gender-Based Violence and Femicide (GBVF) Response Fund 1

Anti-Bribery and Anti-Corruption Policy

THE GENDER-BASED VIOLENCE AND FEMICIDE (GBVF) RESPONSE FUND1: ANTI-BRIBERY AND ANTI-CORRUPTION POLICY

1. PREAMBLE

1.1 This Policy is paramount to the good governance of the Fund and its effective and efficient management. To achieve the intended outcomes the Fund has integrated the following four key elements, namely having the right quality individuals in the Board and management, implementing strong processes and controls and having a robust independent oversight and assurance over all processes and controls.

2. INTRODUCTION

2.1 The GBVF Response Fund1 (the Fund) was established as part of the national response to the scourge of gender-based violence in South Africa. The Fund exists to co-ordinate financial resources to support relevant programmes and campaigns to eradicate GBVF as articulated in the South African National Government National Strategic Plan (NSP), by serving as a vehicle through which individuals and organisations are able to pledge their support, by making donations to the Fund and / or specific initiatives which are supported by the Fund.

2.2 Private and corporate donors of the Fund have entrusted their money and / or provided resources to the fund for this purpose, and the Fund recognises the importance of ensuring that none of these donations are tainted by any bribery or corruption.

2.3 The Fund is committed to operating on an ethical and sound basis and in-line with applicable legislation and is committed to complying fully with anti-bribery and anti-corruption laws (ABC Laws) applicable to it, including but not limited to the South African Prevention and Combating of Corrupt Activities Act, 2004.

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- 2.4 The Board will actively and visibly lead the Fund's anti-bribery and anti-corruption policy and ensure that this policy is implemented consistently and with clear lines of authority. The Fund is committed to continually improving its anti-bribery and anti-corruption controls.

3. PURPOSE

- 3.1 This Policy has been developed to promote appropriate standards and behaviour, in order to prevent bribery, and corruption. This policy provides information and guidance to our employees, partners, donors and vendors, on how to recognise and deal with bribery and corruption issues. It also includes the procedures that will be followed if any incident of bribery and corruption occurs within the purview of its activities.

4. POLICY STATEMENT

- 4.1 The Fund has a zero-tolerance approach to acts of bribery and corruption by donors, employees, vendors, beneficiaries and all third parties that it engages with.
- 4.2 No donor, employee, vendor or beneficiary of the Fund may engage in any act of bribery and corruption in relation to the activities of the Fund, including (but not limited to) the determination and distribution of any benefit from the Fund.
- 4.3 The Fund will always strive to avoid any appearance of wrongdoing and will report any attempts to bribe us, or to solicit bribes from us, and any suspicions we have about bribery and corruption. We recognise that any allegation of bribery or corruption can seriously damage the Fund's reputation.
- 4.4 The Fund will never participate in any form of corrupt behaviour or collusive practices conceal or fail to accurately record the true nature of the Fund's activities or falsify or

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tamper with the Fund's books and records.

5. SCOPE

- 5.1 This policy applies to all directors, officers, employees, intermediaries or any third party, business partners and vendors of the Fund (when engaging in activities for and on behalf of the Fund), wherever located. All employees and vendors must read, become familiar and comply with this policy. Where vendors are juristic entities, the vendors must ensure that its employees and agents that engage in activities for and on behalf of the Fund are familiar with this policy. Donors and beneficiaries are also expected to comply with the principles set out in this policy.
- 5.2 The Board is ultimately responsible for compliance with laws and regulations, including ABC Laws.
- 5.3 Any breach of this policy will be regarded as a serious matter, which may result in:
- 5.3.1 disciplinary action being taken against employees, which could result in dismissal and criminal proceedings;
 - 5.3.2 the termination of contracts for vendors and criminal proceedings;
 - 5.3.3 the termination of ongoing support for a beneficiary, criminal proceedings and steps to recover any support already provided; and
 - 5.3.4 the termination of any further relationship with a donor (with a right for the Fund to retain any funds already received), and criminal proceedings.

6. RECEIPT OF DONATIONS

- 6.1 The Fund welcomes donations from all South Africans and from international donors, no matter how great or small. The Fund will operate with the highest principles of corporate governance to ensure that donations are used for the purposes that the

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Fund was established.

- 6.2 Donating to the Fund will not result in any donor receiving any undue benefit or preference by the South African government, the Fund and/or its employees. Donations should be given in good faith, based on the principles in terms of which the Fund was established. No matter how generous a particular donation is, the donor will not receive any undue benefit or preference.

7. DETERMINATION AND DISTRIBUTION OF BENEFITS

- 7.1 The Fund has established appropriate governance frameworks and policies for the determination and distribution of benefits, and the beneficiaries of such benefits.
- 7.2 Any third party that attempts to unduly influence the Fund, any of its employees or any of its vendors in order to be given any benefit from the Fund through the provision of anything of value shall be disqualified from receiving any benefit (or further benefit) from the Fund. In addition, the Fund may consider taking steps to recover any benefit already provided, and it may consider instituting criminal proceedings against the third party (depending on the circumstances).

8. FACILITATION PAYMENTS

- 8.1 The Fund does not make, and will not accept, facilitation payments of any kind and prohibits all employees and vendors from making these payments for or on behalf of the Fund, even to secure or expedite a routine government action by a government official. It is also not permitted to establish accounts or internal budgets for the purpose of facilitation payments to government officials.
- 8.2 All employees and vendors must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by or on behalf of the Fund,

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recognising that refusal to make such payments may result in delays to delivering relief and benefits, and that there may be additional costs attributable to adherence with this policy. If any employee or vendor encounters a demand for a facilitation payment whilst working within the purview of the Fund's activities, or think they are likely to do so, they should report the situation to the CEO of the Fund without delay.

9. GIFTS, ENTERTAINMENT AND HOSPITALITY

9.1 Whilst conducting business for or on behalf of the Fund, employees and vendors may not offer to, or accept from any supplier or donor any gift, entertainment or hospitality.

9.2 No gift, entertainment or hospitality may be given or received from any public officials.

9.3 No gift, entertainment or hospitality may be given or received which could influence or appear to influence their objectivity in carrying out their duties in the best interest of the Fund.

9.4 Furthermore, the Fund shall not provide any gifts, entertainment or hospitality to any third parties. The Fund shall only provide support or benefit to third parties through its established processes to do so.

9.5 Where the exchange of gifts is deemed not to impact on objectivity and is part of normal business courtesy then officers and employees may give and accept gifts of nominal value (less than R350) that are an expression of appreciation or courtesy and that might be given in the course of business.

9.6 Approval from both the CEO or COO and CFO should be obtained prior to providing or receiving any gift.

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9.7 All gifts and invitations have to be disclosed in the relevant Gifts and Entertainment Register, even in cases where the gifts and entertainment were offered but not accepted.

9.8 The Company Secretariat will maintain the Gift and Entertainment Register and submit reports to the Audit and Risk Committee (or appropriate Board Committee) every quarter.

10. DEALING WITH GOVERNMENT OFFICIALS

10.1 Dealing with government officials may pose a high risk in respect of bribery and corruption by virtue of the power vested in these officials. Furthermore, engaging in any bribery or corruption in respect of government officials is an offence in terms of the ABC Laws applicable to the Fund.

10.2 The Fund strictly prohibits the provision of money or anything else of value, no matter how small, to any government official for the purpose of influencing such official inappropriately.

11. ANTI-BRIBERY AND CORRUPTION COMPLIANCE PROCEDURES

11.1 ETHICAL PRINCIPLES

11.1.1. The Fund expects that all employees and vendors should at all times act in accordance with the following principles:

- Behave honestly, be trustworthy and set a good example;
- Use the resources of the Fund in-line with the principles in terms of which the Fund was established;
- Make a clear distinction between the interests of the Fund and private interests to avoid any conflict of interest, and if such conflict does arise, to

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report it immediately;

- Ensure that any benefit provided to any third party does not constitute bribery and corruption, and if in doubt, to immediately consult with the CEO;
- Confidentially report all incidents, risks and issues which are contrary to this policy to CEO, in the strictest confidence; and
- Not offer or accept any bribes and not be involved with any act of bribery and corruption.

11.2 DUE DILIGENCE

11.2.1 The Fund recognises the importance of conducting due diligence on third parties in appropriate circumstances. Given the pressing needs that the Fund seeks to address, it may not always be possible for comprehensive due diligence processes to be followed whilst the current crises prevails. Be that as it may, the Board of the Fund shall take reasonable steps to evaluate beneficiaries and vendors of the Fund and it shall determine appropriate process and procedures for this.

11.2.2 The Fund may engage third party service providers to conduct compliance due diligence on beneficiaries and vendors, and the Board of the Fund may develop processes and procedures on this.

11.3 CONTRACTS WITH VENDORS AND BENEFICIARIES

11.3.1 As far as reasonably practicable, the Fund shall ensure that vendors are engaged based on written contracts, and beneficiaries agree to donation agreements (where practical), and that these contracts include specific obligations that address (and prohibit) bribery and corruption.

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11.4 RECORD-KEEPING

11.4.1 The Fund shall maintain financial records and appropriate internal controls that evidence the business reason for making payments to third parties. In this regard, all books and records will be prepared and maintained with strict accuracy and completeness. No transactions will be accounted for off-record to facilitate or conceal improper payments.

11.4.2 When invoices are received from vendors acting for or on behalf of The Fund, the descriptions of services rendered and/or disbursements must be properly interrogated and vague or suspicious descriptions (for example “special services”, “special bonus” and “administrative expense”) should be properly interrogated by the responsible person before submitting the account for payment. A failure to do so on the part of any employee may result in disciplinary action being taken against such employee.

11.5 WHISTLEBLOWING

11.5.1 The Fund encourages all employees, business partners and vendors to raise concerns about any issue or suspicion of bribery and corruption without delay. “Red flag” situations that may indicate bribery or corruption are set out in Annexure A to this policy.

11.5.2 Retaliation, retribution against or harassment of any Employee, who, in good faith, reports a violation of this policy, is strictly prohibited and is grounds for disciplinary action, including dismissal.

11.5.3 Concerns should be reported through the following channels:

11.5.3.1 CEO and

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11.5.3.2 Chairman of the Board

11.5.4 In circumstances where employee, business partners and vendors wish to report violations anonymously, the Employee can report the conduct through the whistleblowing line at 0800 203 598

11.5.5 The Fund will investigate each reported violation and will take the appropriate action, which may include a warning, suspension or termination. All Employees have a responsibility to assist and co-operate in any investigation conducted by the Fund or by any relevant authorities.

12. REVIEW

12.1 The Fund will, at regular intervals, assess compliance with this Policy and will notably include the results of such assessments in reports to the Board and its Sub Committee(s) with delegated authority as to fraud or misuse of the Fund resources.

12.2 This Policy may be updated to reflect evolving norms and practices, changes to the Fund policies or procedures or as and when the Fund deems necessary and appropriate to affirm its commitment against fraud and corruption. The Policy will be fully reviewed every two years.

12.3 This document should be read in conjunction with these additional policies of the Fund:

- Code of Conduct
- Conflict of Interest
- Donations Policy

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ANNEXURE A

ANTI-BRIBERY AND CORRUPTION (ABC) “RED FLAGS”

The following is a list of potential ABC “red flags” that should raise concern. The list is not intended to be exhaustive and is for illustrative purposes only. Any of these “red flags” must be reported to the CEO or Board Chairman:

1. if a vendor or other relevant third party engages in, or has been accused of engaging in, improper business practices;
2. if a vendor or other relevant third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having inappropriate relationships with government officials;
3. if a vendor or other relevant third party insists on receiving a commission or fee payment before committing to sign a contract with the Fund;
4. if a vendor or other relevant third-party requests payment in physical cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for payments made;
5. if a vendor or other relevant third-party requests that payment is made to a country or geographic location different from where the vendor or third party resides or conducts business;
6. if a vendor or other relevant third party requests an unexpected additional fee or commission;
7. if a vendor or other relevant third party demands lavish entertainment or gifts before commencing or continuing contractual obligations or services;
8. if a vendor or other relevant third-party requests that a payment is made to “overlook” potential legal violations or to reimburse unsubstantiated expenses or requests a blank value sheet in order to insert their own value of goods supplied;

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9. if a vendor or other relevant third-party requests employment or other benefit to a friend or relative;
10. if a vendor or other relevant third party insists on the use of side letters or refuses to put agreed terms in writing;
11. an invoice for a commission or fee payment that appears vague or excessive, given the nature of the services provided;
12. an invoice from a vendor that appears to be non-standard or customised; and
13. an unusually generous gift or lavish hospitality offered by a third party.

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ANNEXURE B

DEFINITIONS

ABC	Anti-bribery and corruption
ABC Law	The South African Prevention and Combating of Corrupt Activities Act, 2004, or any other applicable national or international regulatory enactment of similar import that may have a bearing on the activities of the person or entity concerned
Books and records	Accounts, invoices, correspondence, papers, CDs, tapes, electronic storage media, memoranda and any other document or transcribed information of any type
Bribery and corruption	<p>A “bribe” is the direct or indirect offer, authorisation, gift or promise to give anything of value to a government/public official or any other person, with the intent to obtain or retain business or gain an improper advantage. This includes facilitation payments. For the sake of clarity, bribery and corruption include, inter-alia, the following:</p> <ul style="list-style-type: none">• any payment or anything else of value to any official of any government or public international organisation (including any officer or employee of any government department, agency or instrumentality) to influence or reward his or its decision, or to gain any other undue advantage;• any payment or anything else of value to any representative of a private enterprise (whether for profit

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	<p>or otherwise) to improperly, dishonestly and outside the ordinary course of ethical business practice, influence or reward his or its decision, or to gain any other undue advantage; and</p> <ul style="list-style-type: none">• any act or omission that constitutes a contravention of any applicable ABC Laws
Employee/s	All employees working at all levels and grades (whether permanent, fixed term or temporary), including directors, senior managers, officers, trainees, seconded staff, home based staff, casual staff, agency staff, volunteers and interns
Facilitation payment	Facilitation payments are low value payments made to government officials to induce them to perform routine functions expeditiously
Government official	<p>The term “government official” is interpreted very broadly around the World and covers people not only working directly for government, but also employees of government owned or controlled companies or agencies. In some countries it can be difficult to determine whether you are dealing with “government officials”. The following persons may, depending on the circumstances, be considered to be government officials:</p> <ul style="list-style-type: none">• an official or employee of a government or government owned enterprise;• an official or employee of a government agency or regulatory authority;

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	<ul style="list-style-type: none">• an official or employee of a political party or a political candidate;• any official or employee of an international public organisation such as the United Nations, World Bank or International Monetary Fund;• a member of the judiciary or magistracy;• an individual who holds or performs the duties of an appointment, office or position created by custom or convention, including some members or royal families and some tribal leaders;• a person who is, or holds themselves out to be, an authorised intermediary of a government official; and• police officers, customs and tax officials, and employees of state-owned enterprises (“SOEs”)
Improper advantage	An “improper advantage” is broadly defined to mean something to which the Fund, a person or entity is not clearly entitled, such as the provision of benefits, contract award, grant of operating permits, product registration approval, favourable court decision, or a tax dispute settlement
Vendor	A “vendor” is a third party that supplies the Fund with goods or services