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Post Bribery Act:
The Competitive Edge
v
Adequate Procedures
Are they mutually exclusive?

Control Risks

■ Corruption and bribery

“Corruption debases democracy, undermines the rule of law, distorts markets, stifles economic growth, and denies many their rightful share of economic resources or life-saving aid.”

- Kofi-Annan, former Secretary General, United Nations

Control Risks

- Three main types of corruption to consider
 - Grand corruption
 - Bribery : securing unfair commercial advantage
 - Facilitation payments: ad hoc or systemic

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“The toughest anti-corruption legislation in the world”

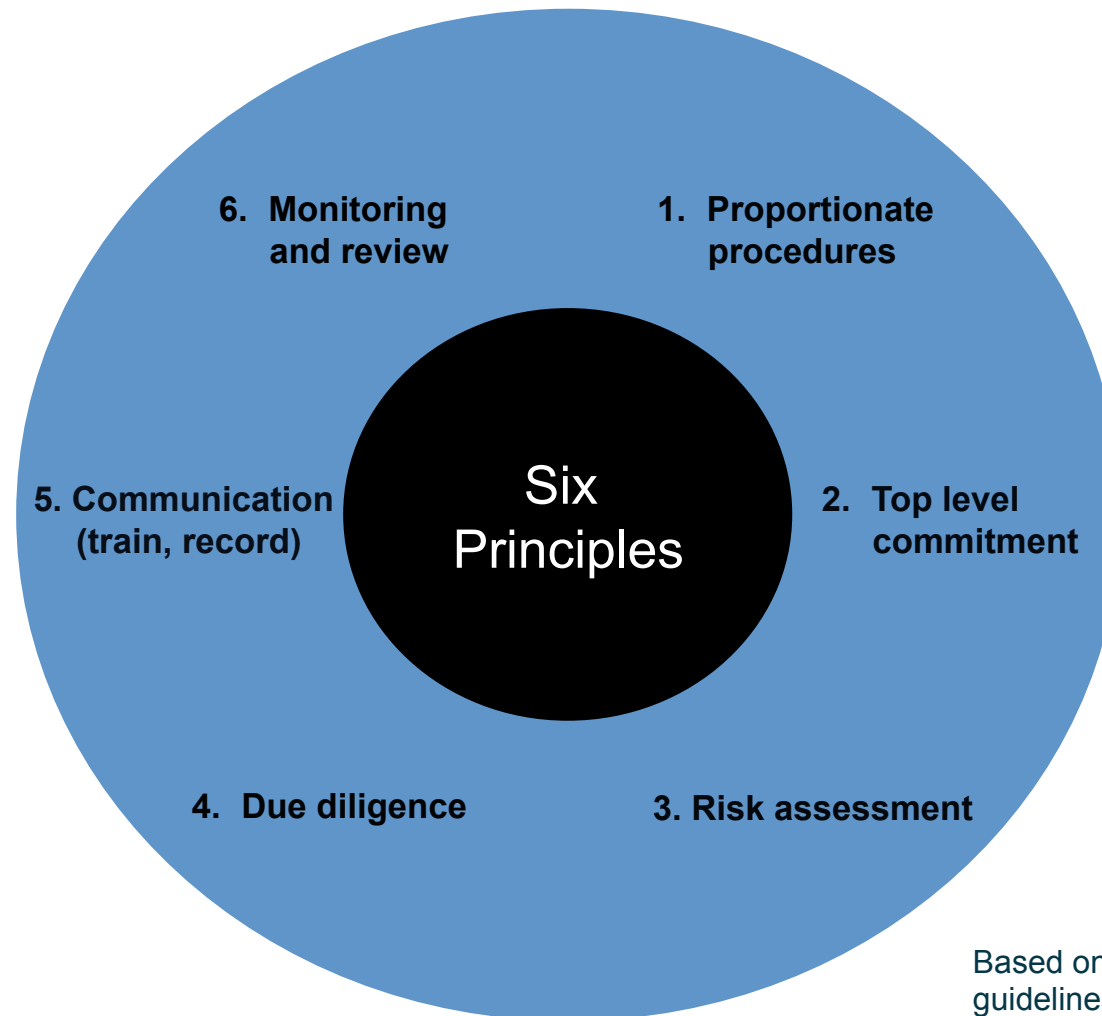


Bribery Act 2010

■ Why the Bribery Act Matters

- Applies to companies and individuals with UK connections
- Extra-territorial – applies anywhere in the world
- Covers ‘direct’ and ‘indirect’ bribery
- No exclusion for ‘facilitation payments’ to speed up business
- Corporate offence of failure to prevent bribery unless companies can demonstrate adequate procedures
- Heavy fines for companies, potential prison sentences for individuals including directors

Control Risks' Adequate Procedures



Based on UK Ministry of Justice guidelines

Control Risks

Control framework

Prevent

Tone from the top
ABC training & awareness
ABC Policies & procedures
Risk assessed control framework
Due diligence
Employee screening

Detect

Whistleblowing and compliance
hotlines
Internal reporting
“Speak up culture”
Proactive financial and other data
analysis



Respond

Comprehensive corruption response plan
Stakeholder/regulator management plan
Lessons learnt
Focussed training addressing specific control
failings

Control Risks

Adequate Procedures



Competitive Edge

Control Risks

■ Questions?

