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INTRODUCTION

AVSI POLSKA, created in 2004, is a non profit organization (association) which carries out development cooperation and humanitarian aid projects in Poland and since 2022 is strongly focused on such projects for Ukrainian refugees in Poland.

Vision

AVSI works for a world where the person, aware of his/her value and dignity, is the protagonist of his/her own integral development and that of his/her community, even in crisis and emergency contexts.

Mission

AVSI implements cooperation projects in various sectors with a preferential focus on education, meaning that the person is accompanied towards self-discovery and recognition that the other person is a resource. Each project is conceived as an instrument to promote this awareness in everyone involved, has in itself a need for communicating and sharing, and creates an impact capable of generating a positive change.

Method

In project implementation, AVSI uses the following approach:

- to start from the value of the person, who is never defined by the circumstances in which s/he lives
- to consider the person always in his/her family and community context
- to do with: accompany and let ourselves be accompanied, recognizing that we all share the same human experience
- to involve all stakeholders: encourage the participation of beneficiaries, suppliers, partners, donors, and the private sector
- to learn from experience and capitalize on the lessons learned.

SCOPE

This “Anti-Corruption and Anti-Fraud Policy” applies to:

- AVSI POLSKA, including its national, regional and liason offices and any other related office, whether branch or subsidiary;
- Every AVSI POLSKA suppliers and consultant who has to transpose and abide by this policy to which AVSI POLSKA shall explicitly refer in all the consulting and/or supply agreements;

- All the other entities – including but not limited to implementing partners, contractors, donors – that accept to abide in various ways or want to establish any kind of relationship with AVSI POLSKA provided that this policy complies with local laws.

PURPOSE

AVSI POLSKA's management and governing bodies intend to promote the culture of transparency and integrity, both within AVSI POLSKA and all the other entities it interacts with, while carrying out its mission.

The purpose of this Policy is to guarantee that AVSI POLSKA and the related entities keep meeting high standards of responsibility, transparency and regulatory compliance. The policy establishes specific responsibilities of staff and partners regarding risks of fraud and passive, as well as active, corruption.

GENERAL PRINCIPLES

AVSI POLSKA is committed to adopting as one of its fundamental values the ZERO TOLLERANCE principle in all cases of fraud, corruption or any other illegal practice that its staff, partners, suppliers and beneficiaries may commit.

AVSI POLSKA does not tolerate nor justify to resort to illegal practices or, in any event, potentially damaging actions to AVSI POLSKA name, only because they are common practice in the local market and context.

AVSI POLSKA has always decided to perform its activity under a ethically responsible, transparent, integral and honest conduct, striving to transfer these principles not only to its staff and collaborators but also to all the external partners.

AVSI POLSKA embraces the principle of segregation of duties according to which tasks, operational activities and monitoring functions must be appropriately separated, so that the one in charge of operational activities differs from who controls and authorizes them.

AVSI POLSKA fosters and establishes lasting relationships and deals with suppliers, program partners, authorities, governmental agencies, public officials, politicians and other stakeholders on the grounds of merit, professionalism, trust and integrity. It never justifies illegal payments, illicit "favors" nor any other action regardless of whether they might pose the Foundation to financial losses and operational risks, dependency, blackmail, extortions, sanctions and reputational damage.

All AVSI POLSKA relationships involving any type of public officer or private party shall be carried out in compliance with procedures provided by the law enforced in the country and the provisions enshrined in this Policy and in any other policy or regulation issued by AVSI POLSKA.

In addition AVSI POLSKA has adopted a Ethical Code as document approved by the Board of Directors, collecting principles and rules of conduct that all those that operate or, in any event, interact with AVSI POLSKA, such as partners, donors and beneficiaries, shall respect. The purpose of the Ethical Code is to set

out and disseminate values and rules of conduct which the Foundation intends to constantly refer to while performing its activity.

This Anti-Corruption Policy as well as the Ethical Code and all the other regulations promulgated by AVSI POLSKA including the Child Safeguarding Policy, the Prevention of Sexual Exploitation, Abuse and Harassment Policy are binding and shall be observed by all AVSI POLSKA staff, namely each individual that performs activities in the name of and on behalf of AVSI POLSKA, wherever they operate, both in Poland and abroad, including individuals with representative, administrative or executive positions within AVSI POLSKA as well as collaborators, suppliers and external consultants acting in AVSI POLSKA interests.

The control on the compliance with the Ethical Code, together with the related reporting for noncompliance with this Anti-Corruption Policy the various AVSI POLSKA Regulations and the abovementioned Policies, is entrusted to the Supervisory Body. Reporting shall be in line with what set out in the Ethical Code are acquainted with on the grounds of or in the event of their professional relationship or role carried out and specifically referring to:

- Breach of AVSI POLSKA internal Policies, procedures and regulation, etc.
- Facts that may include offences, wrongdoing, physical and sexual abuses
- Other conducts that, also according to local regulations, may constitute offences, wrongdoing or irregularities regardless of the possible property or reputational damage to the detriment of AVSI POLSKA or its Local Branches.

The reporting shall be grounded on accurate and consistent facts. AVSI POLSKA is not obliged to take into account anonymous reporting that, on first examination, may appear to be irrelevant, groundless or unsubstantiated.

The policy applies to all AVSI POLSKA staff and collaborators in all its branches, in Poland and abroad. All AVSI POLSKA suppliers and consultants shall equally transpose and abide by this policy to which AVSI POLSKA shall explicitly refer in all the consulting and/or supply agreements. The policy may also be adopted by potential AVSI POLSKA partners, provided that it complies with local laws.

This policy is notified to all AVSI POLSKA staff in Poland and abroad via internal communication channels, additionally it is available online on AVSI POLSKA Sharepoint and on the institutional website www.avsi.org.

Specific training sessions, dedicated to all the staff, must be carried out both at the registered seat and local level in order to achieve a wide awareness on anti-corruption issues as well as risks resulting from staff activities according to their qualifications, responsibilities and area of competence within AVSI POLSKA.

In detail, it is fundamental to ensure that, in countries where AVSI POLSKA operates, staff understand with respect to their role:

- Corruption risks to which they and the organization to which they belong may be subjected;
- AVSI POLSKA corruption prevention measures and policy;
- Possible specific risks related to the socio-political situation of their respective country;
- Preventive actions to take and reporting concerning risks or suspected illegal practices.

Participation in sessions is compulsory.

REGULATORY FRAMEWORK

Over the last years, there has been an increase in targeted interventions to tackle the phenomenon of corruption nationally and internationally, those steps include but are not limited to:

- UNCAC - United Nations Convention against Corruption, signed by Poland on 15.09.2006;

AVSI POLSKA, within the limits of the regulations applicable to it, has drafted this Policy, of which non-compliance and breach may expose AVSI POLSKA to a severe reputational damage as well as the risk to be subject to specific sanctions such as, inter alia financial sanctions, debarment from public contracts, in serious cases, criminal sanctions for the perpetrators.

UNLAWFUL BEHAVIOR

DEFINITIONS

Some of the following definitions are taken from Transparency International (<https://www.transparency.org/en/countries/poland>), Berlin-based organization fighting and preventing corruption worldwide. It was established in 1993 and is present in over 100 countries across the world.

Subject or Individual: Includes but is not limited to AVSI POLSKA employees, consultants, suppliers, interns or volunteers at any level, as well as partners, collaborators, beneficiaries and Public Administration representatives and/or local authorities.

Corruption: The abuse by individuals of their entrusted power in order to obtain private gain. Offering, giving, receiving or prompting financial gain or any other gain related to the exercise of a position of trust or a role that should be characterized by impartiality and good faith.

Power: Entails any ability of establishing rules for the others or imposing the compliance with rules or, ultimately, making mandatory decisions for others.

Abuse: All the abuses of power for purposes or in ways contrary to established terms.

Private gain: Financial gain or any other gain, not necessarily personal to the individual abusing power, it may also involve third parties to whom the individual is somehow related (family, friendship, interest groups etc.).

Bribe: When managing any type of AVSI POLSKA activity, the offering or the receiving of any form of gifts, loans, fees, rewards or other advantages for or by any natural or legal person (bodies, suppliers, consultants, public administration representatives and/or local authorities etc.) to obtain a dishonest and/or illegal behavior.

Extortion: When the demanding or the receiving of bribes is coupled with threats or violence that may jeopardize the physical and moral integrity of a person or the life of everyone involved.

Fraud: Any deceiving action perpetrated in order to obtain personal gain or to cause harm to another individual, even though that gain or harm has never truly occurred.

CORRUPTION PRACTICES

It follows a list including but not limited to examples of corruption practices and behavior considered as NOT ACCEPTABLE:

- Offering or promising any form of material benefit or other advantage, whether financial or in kind, towards another individual to somehow influence his/her conduct and behavior in a way contrary to the duties of his/her office and/or role.
- Receiving or offering so-called “facilitating” or “grease” payments in the form of money or assets from or to an individual in order to “facilitate” the performance of a service or an action nevertheless envisaged in the individual’s duties. For instance: in case an AVSI staff member in charge of distributing goods or providing services to the benefit of a partner or a project beneficiary, refuses to do so without receiving an improper payment. Or in case public servants (e.g. customs personnel) are offered a non-official payment, even a small amount, in order to speed up, facilitate or ensure due performances nonetheless provided within their office duties.
- Making or receiving undue or unjustified payments (in whole or in part) or gifts for business courtesy, such as complimentary gifts or forms of hospitality, unless of small value or to the extent that they would not affect the integrity or reputation of one of the party and could not be interpreted, by an impartial observer, as aimed to gain advantage unlawfully.
- Providing or receiving other favors, to/from any public servant, political figure, representative of, or to/from one of our suppliers, program partners or any other party (public or private) in order to influence or reward any act or decision aimed to grant a license or approval, obtain or maintain businesses, or seek any other unlawful or improper beneficial purpose.
- The practise according to which an individual improperly uses his/her job, position or power within AVSI POLSKA to facilitate or somehow materially favor friends, relatives or other individuals: for instance, through the procurement of contracts, jobs or other material advantage as well as helping their hiring within AVSI POLSKA personnel both in Poland and abroad.
- The practise of embezzlement, where an individual improperly uses funds, properties, assets or other goods and equipments, belonging to AVSI POLSKA or to project partners, to their own gain, for personal and unauthorized use. For instance, a staff member that uses AVSI POLSKA owned vehicles for pay transport services.
- Receiving or offering a kick-back payment according to which an individual (AVSI POLSKA staff or supplier) improperly receives or offers an amount of funds or commissions from or to another individual (AVSI POLSKA staff or supplier) following a direct involvement in a purchasing process at any level.
- Abuse of power or of a position of trust in such a way that an individual improperly uses his/her position within AVSI POLSKA to his/her own or others’ benefit. For instance, an individual that having access to confidential information makes it available to third parties to obtain competitive advantages during purchasing procedures .

FRAUD PRACTICES

It follows a list including but not limited to examples of fraudulent or potentially fraudulent practices and behavior:

- Discrepancies in accounting and financial reporting such as absent, vague or fake transaction descriptions or accounts allocations; absent, counterfeited or unusual identity documents of the beneficiary/agent/counterpart; excessive or unusually high unsupported reward;
- Generic or various accounts that may be used to conceal improper payments; excessive invoicing; incorrect or false invoices, travel forms and/or expenses; unregistered accounts or transactions;
- Favoring or hiring a third party, non-appropriately qualified collaborator or partner to perform process functions with due diligence;
- Request of cash payments in a third country or to a third party;
- False invoicing, according to which an individual knowingly uses invoices designed for non-existent operation, in whole or in part, in order to gain unlawful gain or other benefit of any type.
- Fraud on procurements or purchasing procedures, where an individual commits dishonest behaviors related to public procurement or tender procedures; e.g. the spread of confidential information or creation of false bids to favor a specific individual.
- Fraud on supplies, where a person directs in an intentionally improper way or steals goods and commodities also counterfeiting stock records.
- Fraud on salaries, where an individual manipulates the payroll making unauthorized payments towards him/herself or other individuals, for example creating false beneficiaries or payments of seasonal or temporary/casual workers.
- Tax evasion, where an individual creates fraudulent mechanisms to consciously prevent the payment of duties and charges, for example creating false declarations or giving distorted values to incomes, goods and services etc.
- False accounting, where an individual deliberately inserts false or misleading information in any form of accounting or financial document.
- Counterfeiting documents, where an individual fraudulently creates or alters a document in such a way that reports information that are to the benefit of the very same individual or AVSI POLSKA itself. In case of mistakes committed in good faith, the correction shall be visible in order to prove the transparency of the process.
- Bank fraud, where an individual dishonestly manipulates any bank system or tool such as checks, bank statements or electronic transfers.
- Improper use of AVSI POLSKA brand, where an individual uses AVSI POLSKA name and brand in a fraudulent way or for unauthorized or illegitimate purposes. The same holds true for unauthorized use and/or disclosure of AVSI POLSKA-owned documents.
- Conflict of interests, where an individual knowingly has a personal commercial, economic or any type of interest, not disclosed to the entity involved in a economic or commercial relationship with AVSI POLSKA especially in purchasing process of goods, works or services. Also defined as the condition that occurs when an individual with decisionmaking responsibilities, at any level, has personal interests conflicting with the impartiality required by his/her responsibility.

OPERATIONAL PROCEDURES FOR REPORTING AND CONTROL

REPORTING MECHANISMS

AVSI POLSKA encourages all the staff to rise any suspicion promptly. Staff members that are not sure about the correct conduct to adopt shall seek assistance beforehand from their responsible manager. Specifically, in case the circumstances are similar to one of the situations described in chapter 3 of this document, it is necessary to proceed as follows:

- Ignoring or refusing any suggestion or request to commit an act of fraud or corruption;
- Trying to have someone as witness that may confirm the events;
- Not consenting anything improper, even though the request may resemble a so-called “donation”
- Recording details of possible fraud or corruption acts, whether requested, attempted or committed;

In case there is the reasonable suspicion, namely the evidence of a breach, facts or events resulting from a corruptive or fraudulent behavior or suspected behavior by an AVSI POLSKA member or an individual somehow related to AVSI POLSKA activities, shall be immediately reported to the Supervisory Board.

SANCTIONS

DISCIPLINARY SANCTIONS

The breach of the Policy by AVSI POLSKA staff and/or collaborators shall lead AVSI POLSKA to adopt disciplinary measures according to what provided in each employment contract in full compliance with the existing regulation.

AVSI POLSKA shall also ensure its full cooperation with competent Authorities.

Each breach shall be prosecuted by imposing appropriate and proportionate disciplinary sanctions, while considering the possible criminal implications of the actions committed and in full compliance with the existing regulation of AVSI POLSKA.

CONTRACTUAL RELATIONSHIPS WITH THIRD PARTIES

The breach by third parties (suppliers, consultants, partners etc.) of principles and dispositions encompassed in this Policy may, following specific assessments, lead to either failure to establish or termination of the contractual relationship.