

BetIndex Limited Anti-Bribery Principles and Guidance

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1 Introduction

Bribery and corruption are found in all countries. They hurt the poor disproportionately, diverting resources intended for development and humanitarian assistance and increasing the costs of basic public services. They undermine economic growth and are a barrier to poverty alleviation and good governance. Often, bribery and corruption can aggravate conflict and insecurity.

There is a risk that corruption will prevent BetIndex Limited achieving our objectives, especially when working in countries where there are high levels of corruption. Suggestions that BetIndex Limited is linked to bribery in any way can be damaging to BetIndex Limited's reputation and undermine the trust and support of customers, industry partners employees and others who depend on BetIndex Limited for their livelihoods and the wider public. Public concern about the impact of bribery and corruption is a critical issue in building broad public support for development.

BetIndex Limited must at all times act and be seen to act, in a way that is always honest and transparent. Competitors are also actively working to reduce bribery. BetIndex Limited cannot and will not tolerate bribery or corruption.

The elimination of bribery and corruption is backed by law in many countries worldwide: and penalties for contravening the law are stiff. In the United Kingdom, the UK Bribery Act 2010 has put statutory force behind the requirement for BetIndex Limited to have an effective policy for preventing bribery and corruption. Failure to have a policy and failure to apply it by any employee increases the risk of prosecution under the Act not only in business transacted in the UK but also globally.

Whilst the Act is UK legislation which is not directly applicable to Jersey, its far reaching provisions mean that it does impact on Jersey based companies and individuals with connections to the UK. It is therefore important that Jersey based companies and their officers are aware of the impact of the Act, the offences under the Act and how to protect themselves.

2 BetIndex Limited's Principles

1. BetIndex Limited has a policy of zero-tolerance of bribery in any form.
2. BetIndex Limited has implemented policies to counter bribery, including:

2.1 High-level commitment

The Directors and senior management of BetIndex Limited have committed to and oversee the implementation of a policy of zero-tolerance, recognising that bribery is contrary to fundamental values of honesty integrity, transparency and accountability.

2.2 Risk assessment

Ensuring no bribery occurs is a part of BetIndex Limited's overall and ongoing risk management process.

2.3 BetIndex Limited has devised and implemented robust anti-bribery procedures

BetIndex Limited have devised, implemented and maintain robust procedures, which are proportionate to the risks and to the size, resources and complexity of the organisation.

2.4 Due-diligence assessment of partners, agents and contractors

BetIndex Limited must assess the bribery risk associated with any business conducted and ensure that regular checks are subsequently carried out based on the initial risk assessment.

Checks must also be undertaken to ensure that counter-parties and others with whom BetIndex Limited does any form of business also have policies and procedures in place consistent with these Principles and Guidance.

2.5 Dissemination and communication

BetIndex Limited has a clear line of communication of its policy and procedures to eliminate bribery and corruption and staff receive training to encourage awareness of the threat and potential risks of how bribery can inflict on what they do if they are offered a bribe as well as the consequences should they be found to have made or received a bribe.

2.6 Monitoring and evaluation

Implementation of anti-bribery procedures is monitored as part of overall risk management and internal control processes. Periodic reviews of anti-bribery procedures are reported as part of governance and accountability processes.

2.7 Collective action

BetIndex Limited is committed to sharing information and strengthening collective action to prevent bribery.

3 Guidance

3.1 Guidance

Key actions to ensure BetIndex Limited implements policies and procedures that are robust and proportionate to their size, complexity and the range of risks that they face.

The guidance also helps BetIndex Limited ensure that it complies with the legal requirements of; inter alia, the Corruption (Jersey) Law 2006 & the Bribery Act 2010 (UK) herein referred to as the Acts.

3.2 What is Bribery?

While not the legal definition in the Bribery Act 2010, bribery is commonly considered as:

The offering, promising, giving, accepting or soliciting of money, a gift or other advantage as an inducement to do something that is illegal or a breach of trust in the course of carrying out an organisation's activities.

The Bribery Act 2010 also notes that the purpose of the bribe is to "***induce a person to perform improperly a relevant function or activity***" or to "***reward a person for the improper performance of such a function or activity***".

A bribe can take many forms and be of any size. Where the offer or receipt is intended for an employee's family or friends, or when bribery takes place through third parties, it is still considered to be a bribe.

The following are some simple examples of bribery:

- A potential supplier offers you money or a gift, to influence a tender process.
- A job applicant offers to pay to increase the chances of being offered employment.
- You offer a gift to a local government official, in return for approval of a license application.

- An official in public office asks you for an unofficial payment or gift to release imported goods.
- An official asks you for payment in order to secure a work permit.

3.3 Local and Extra-Territorial Law

The Acts apply to all activities national and international even if the organisation's headquarters are not in the applicable jurisdiction but there is no separate legal entity within that jurisdiction i.e. UK or Jersey. The Acts extend to any part of an organisation carrying on business or part of its business in any part of the jurisdiction.

3.4 UK Bribery Act

The Bribery Act replaces previous legislation, notably the Public Bodies Corrupt Practices Act 1889 and the Prevention of Corruption Acts 1906 and 1916. The full text of the Act is available from the UK Ministry of Justice (MOJ), at:

<http://webarchive.nationalarchives.gov.uk/+http://www.justice.gov.uk/publications/bribery-bill.htm>

It is extra-territorial in its scope; **any British citizen (or “person with a close connection” to the UK) giving or receiving a bribe anywhere in the world, is liable to prosecution.** This has particular significance to British citizens holding directorships on legal entities overseas (including offshore jurisdictions such as Jersey). Similarly, any organisation engaged in commercial activity in the UK may be subject to prosecution. Prosecutions can be brought against managers or trustees within such a body, if it can be shown that an offence was committed with their consent or connivance.

By way of illustration of how bribery legislation works in practice, the following examples of the UK Act can be considered and applied

The UK Act specifies four criminal offences:

- offering a bribe
- receiving a bribe
- bribing of a foreign public official
- failure of a commercial organisation to prevent bribery

A bribe is paid if a “reasonable person” would deem that it relates to the improper performance of a relevant function or activity. A bribe can take any form and be of any size, and if a bribe is paid by a third party (such as a partner organisation) for your benefit, you can be found guilty of an offence.

It is sufficient for the bribing party to ***intend to influence*** improperly the actions of the recipient of the bribe and the recipient does not need to have taken an action for an offence to have taken place.

Bribes can be paid to public or non-public bodies and employees.

The first three offences can be committed by an individual or a corporate body. The fourth offence is designed to encourage organisations to have in place effective relevant anti-bribery procedures. There may be a defence available to an organisation if it can demonstrate it had “adequate procedures” in place designed to prevent persons “associated” with it from undertaking the unlawful conduct.

3.5 Implications of the UK Bribery Act to BetIndex Limited

BetIndex Limited therefore has in place this anti-bribery policy and these procedures.

- Reputation of BetIndex Limited even just an investigation.
- Penalties for conviction on indictment include fines, for an individual or organisation.
- Prison sentences of up to ten years on an individual.
- Individual senior managers or directors may be prosecuted if an offence is proved to have been committed by a corporate body with their consent or connivance.
- Unlimited fine.

4 Key Bribery Risk Areas

4.1 Key Bribery Risk Areas (inter alia)

External Risk factors

- Geographical – risks may be higher in certain countries or regions within countries. Activities in urban areas may pose different risks to activities in rural areas.
- Cultural – in certain cultures and work environments, bribes may be seen as “business as usual”.
- Emergency relief – the time pressure and security context may increase risk.
- Partners – Factors that may impact bribery risk include: size/structure/governance of partners; adequacy of partners’ control systems; partner selection processes; partnership contracts and agreements; and partners’ monitoring and support processes; political involvement or connections of partners.
- Procurement – increased risk where processes are not fair or transparent. Procurement is a high risk area for bribery.
- Transactions – certain transactions may carry higher risk; for example, payments to government officials, major contracts and payments through third parties.
- Recruitment – bribes can be offered or sought as part of recruitment processes.

Organisational risk factors

- Existing policies and procedures – risk that existing policies and procedures are not adequate or effective.
- Legal/prosecution – risks of non-compliance with UK and overseas legislation, and subsequent prosecution.
- Reputation – risk of reputational damage following a bribery scandal.

5 Dealing with Bribery

5.1 Rejection

The response to any approach should be to reject demands for or offers of bribes

BetIndex Limited’s anti-bribery stance should be made clear.

It is the responsibility of all parties associated with BetIndex Limited to ensure that bribery is prevented, detected and reported and all such reports should be reported to your manager or compliance officer or any director.

To identify various scenarios and suggested response see ‘Resisting Extortion and Solicitation in International Transactions’ (RESIST), developed jointly by the International Chamber of Commerce, Transparency International, the United Nations, and the World Economic Forum.

The only circumstance where payment might not be avoided is when health and security is seriously at risk. In extreme circumstances operational security procedures are to be put in place to reduce the risk of payments being requested under duress.

5.2 Investigation

- Any instances of actual or potential bribery should be promptly and properly investigated.
- Record the details of any bribery or requested or attempted bribery, as soon as possible after the event.

On investigation of an incident by BetIndex Limited:-

- Confirm whether or not a bribe has taken place, and identify who was responsible or otherwise involved.
- Confirm whether internal controls and anti-bribery procedures have worked in practice.
- Identify any improvements required to anti-bribery procedures;

Subsequent action may include disciplinary procedures and external reporting.

5.3 External Reporting

Externally reporting serious incidents, including bribes and attempts to bribe should be considered during the investigation into an identified incident.

External Reporting could include:-

- Reporting to the Joint Financial Crimes Unit (JFCU)
- In the UK, The Serious Fraud Office which has the primary responsibility for enforcement of the UK Bribery Act;
- Jersey Gambling Commission (JSC).
- Jersey Financial Services Commission (JFSC);
- If the person making the bribe is from an external organisation, the incident should be reported to a senior official or director of that organisation;
- Reporting to appropriate government department(s) or agencies, in the country where the incident took place;