

SRA CPD: 11 hours

Other CPD hours will also be available

CORRUPTION OF BRIBERY

"Wonder Why?"

Tuesday 20th – Wednesday 21st November 2012 • Central London

Managing Uncertainty to:

- Maximise profits
- Achieve inspirational integrity, assured controls & operational efficiency
- Add muscle, flesh & energy to the bare bones of the law



About Your Workshop Leader

Mike Comer is Managing Director of Cobasco Group Ltd an elite consultancy specialising in the prevention, detection and investigation of corporate fraud & corruption and a recognised world authority and thought leader. Mike has:

- 40+ years of front line experience in governmental & commercial sectors:
 - Commissioned Officer in the Customs and Excise Investigation Branch
 - Security Adviser for Esso Europe Inc
 - Reforming revenue and anti-corruption agencies in Asia and the Caribbean
 - Hundreds of successful anti-corruption assignments worldwide
- Academic positions Mike has held:
 - Visiting Professor at Cranfield University
 - Visiting Fellow at the Scarman Centre, University of Leicester
- Author of 8 books on fraud and corruption

His latest book "**Corruption of Bribery**" will be published later this year.

Course includes:

- Work book containing check lists & mindmaps
- CD which indexes, cross-references and hyperlinks to relevant legal corruption & bribery sources



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Critical Coverage: Beyond the Checklist

- SESSION 1 **Bribery & Corruption:**
Perceptions vs. Reality
- SESSION 2 **Preventing and Recovering Losses in the Real World:**
Incoming, Internal & Competitive Corruption
- SESSION 3 **Building Decision Centricity & Integrity:**
How Managers & Committees can safely take "Grey Area" Decisions in Real Time
- SESSION 4 **Setting the Tone from the Top:**
The Integrity Campaign
- SESSION 5 **Key Performance Drivers & Metrics:**
Motivating Proper Performance
- SESSION 6 **Risk Evaluation and Management:**
6 Risk Sets that Should be Evaluated
- SESSION 7 **Basics of Policies and Procedures**

Procedures on which the GCO relies

- SESSION 8 **Due Diligence:**
An Essential Element of Adequate Procedures
- SESSION 9 **Effective Training:**
For Employees and Associated Persons
- SESSION 10 **Whistle Blowing & Incident Reporting**
- SESSION 11 **Dealing with Competitive Corruption:**
Why International Competitors will Continue to Bribe

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CORRUPTION OF BRIBERY

SESSION 1

Bribery & Corruption: Perceptions vs. Reality

Country Risks

- ✓ The consequences of stigmatising entire countries as corrupt
- ✓ An unreliable basis for proportionate controls
- ✓ The reaction of BRIC countries to UK and American extra-territorial laws

The fallacy of Active and Passive Bribery

- ✓ The equality of evil: coercers and extorters
- ✓ The importance of bribe extortion, internal and competitive corruption

Limitations of Red Flags

- ✓ The two basic types of flags and hunting down the Dodo
- ✓ Are red flags inherently self-defeating?
- ✓ Why are all red flags given the same weight?
- ✓ Whoever saw a regulatory "green flag"

OECD and Regulatory Focus

- ✓ Diverting attention from incoming, internal and competitive corruption
- ✓ Misunderstanding the nature of FPO corruption

Eclectic Legislation and Guidelines

- ✓ Enforcing the lowest common denominator and the silo effect
- ✓ Ministry of Justice Guidance (GCO) and inadequate procedures
- ✓ The fallacy of corporate liability

SESSION 2

Preventing and Recovering Losses in the Real World: Incoming, Internal & Competitive Corruption

Corruption and bribery are not the same

- ✓ Why were all of the UK's laws on "corruption" reframed as the Bribery Act
- ✓ Political, legal, media and academic corruption and their influence on commerce
- ✓ The true tone from the top

Categories of Commercial Bribery

- ✓ Incoming bribery or extortion
- ✓ Outgoing bribery or coercion
- ✓ Internal corruption and the LIBOR scandal example
- ✓ Competitive corruption
- ✓ Conflicts of Interests
- ✓ Cartels
- ✓ Bribery and its relationship to fraud

Funding and Payment of bribes

- ✓ On book
- ✓ Off book
- ✓ Slush funds

- ✓ Owners' funds
- ✓ The new financial systems in the Carbon World
- ✓ Bribery and money laundering
- ✓ Non-financial bribery: revolving doors, nepotism, patronage and reciprocation

Concealment of bribe payment

- ✓ Manipulation v misrepresentation
- ✓ Behavioural clues

Real World Examples & High Risk Contexts

- ✓ Academic and scientific corruption
- ✓ Agents
- ✓ Facilitation payments
- ✓ Marketing
- ✓ Offsets
- ✓ Organised crime connections
- ✓ Procurement

Opponents

- ✓ Employees and associated persons:
 - top level
 - back office
 - blue collar corruption: logistics, warehousing, manufacturing and maintenance
- ✓ Organised Crime
- ✓ Vendors and customers
- ✓ Competitors
- ✓ Government officials
- ✓ Media
- ✓ National and local politicians

Motivation

- ✓ Conventional theories
- ✓ Sutherland and Cressey
- ✓ Merton and Anomie
- ✓ Key performance drivers
- ✓ Noble causes
- ✓ Gaining and avoiding Losses
- ✓ Peer group and external pressures
- ✓ Risk takers and corporate psychopaths

SESSION 3

Building Decision Centricity & Integrity: How Managers & Committees can safely take "Grey Area" Decisions in Real Time

Categories of Decisions

- ✓ Binary and graded decisions
- ✓ Personal accountability versus committee decisions
- ✓ Decisions given and received
- ✓ The dangers of decisions by committee

The Revised KT model

- ✓ Identifying vulnerable contexts and decisions
- ✓ Evaluating "needs" and "wants"
- ✓ Exposing corruption and personal prejudice
- ✓ Establishing visibility and proving integrity

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Auditability and Retaining Evidence

- ✓ Standard audit trails
- ✓ The electronic confessional box
- ✓ Proving honest decisions

SESSION 4

Setting the Tone from the Top: The Integrity Campaign

Philosophy v Policy

- ✓ Which came first: the policy or the board discussion on philosophy
- ✓ Was the policy cut and pasted or founded on principle?
- ✓ Is the philosophy positive (such as "Integrity") or negative (such as "Anti-bribery")
- ✓ What does the difference in framing say about the organisation?

The Integrity and Controls Campaign

- ✓ Why a policy document is not enough
- ✓ Building an inspirational integrity campaign based on your organisation's philosophy and principles
- ✓ Communication: vertical, horizontal and cellular
- ✓ Positive branding and marketing
- ✓ Promoting an integrity campaign as a powerful marketing tool

Comparing and Benchmarking Policies

- ✓ Using Concordance and Forensic Linguistics to identify strengths and weaknesses
- ✓ Lexicons of effective and ineffective policies

How to Evaluate Integrity

- ✓ Assessing top management commitment
- ✓ Evaluating integrity in important contexts
- ✓ Small things matter
- ✓ Convincing the unconvinced and marketing effective control

SESSION 5

Key Performance Drivers & Metrics: Motivating Proper Performance

Key Performance Drivers and Metrics

- ✓ Why people are more inclined to behave corruptly to avoid losses than to win profits
- ✓ Generic problems with drivers and metrics
- ✓ Personal, collective and organisational incentive schemes
- ✓ The nature and extent of "Dodgy Dossiers" and how to deal with them

The Carbon World

- ✓ The new currency where there is no such thing as Suspicious Activity Reporting
- ✓ Carbon credits: the perfect slush fund

Corruption in Corporate Social Responsibility Programmes

- ✓ Corruption within the pursuit of noble causes
- ✓ Organisational, emotional and personal exposures

SESSION 6

Risk Evaluation and Management: 5 Risk Sets that Should be Evaluated

1. The Evaluation of Primary Risks of Corruption and Fraud

- ✓ Incoming, outgoing, internal and competitive corruption
- ✓ Fraud, cartels, conflicts of interests
- ✓ The advantages of collaborative risk evaluations
- ✓ Effective processes based on contexts and decision centricity
- ✓ Job Sensitivity Analysis
- ✓ Risk narratives
- ✓ Control Self-assessment
- ✓ Continuous Monitoring

2. Evaluation of Discovery Risks & Impact Assessment

- ✓ Probability of offences being first discovered by regulators or third parties
- ✓ Evaluation of internal detection processes and resources

3. Evaluation of Self-Disclosure Risks & Impact Assessment

- ✓ Board philosophy on self-disclosure and settlements
- ✓ Evaluation of the case before opening a Pandora's Box
- ✓ Essential checks before self-disclosure

4. Evaluation of Investigatory Risks & Impact Assessment

- ✓ Initial internal investigations
- ✓ Investigations delegated by the SFO ("Proxy Investigations")
- ✓ Approved processes and resources

5. Evaluation of Derivative Risks & Impact Assessment

- ✓ Double jeopardy and sanctions by other agencies
- ✓ The American trend with Deferred Prosecution Agreements
- ✓ Civil litigation

SESSION 7

Basics of Policies and Procedures

Developing Controls

- ✓ Essential safety equipment that allow the company to go faster and further
- ✓ Not brakes on a company's performance

What Are Effective Procedures?

- ✓ Clarifying specification and functionality
- ✓ Easy and consistent access
- ✓ The importance of check lists
- ✓ Enforcement and monitoring

Some Important Standard Control Tools That Are Overlooked

- ✓ Annual appraisals, declarations and letters of representation
- ✓ Authority Policies and Authorisation
- ✓ Back office procedures
- ✓ Conflicts of interest declarations
- ✓ Contracts
- ✓ Exit interviews

- ✓ Intelligence
- ✓ Using expense statements as an anti-bribery weapon
- ✓ Vendor and customer Interviews
- ✓ Vendor debriefing

Procedures on which the GCO relies are discussed in the following sessions

SESSION 8

Due Diligence:

An Essential Element of Adequate Procedures

What Due Diligence on an Agent should Include:

- ✓ Relationships with end parties
- ✓ Decisions involved
- ✓ Continuous monitoring.

Types of Due Diligence

- ✓ Declarative or affirmative
- ✓ Covert or collaborative
- ✓ Reputational reports

Defining Disqualifying Factors in Advance

- ✓ The decision matrix: determined in advance
- ✓ Dealing with red and green flags
- ✓ Preserving the Adequate Procedures Dossier

Due Diligence Processes

- ✓ Application forms
- ✓ The importance of official registration numbers

SESSION 9

Effective Training:

For Employees and Associated Persons

Training Coverage

- ✓ Understanding financial and other risks
- ✓ Basics of the Bribery Act, Proceeds of Crime Act and other laws
- ✓ The hidden dangers of internal corruption
- ✓ Identifying and avoiding vulnerable contexts in which bribery may be raised
- ✓ "Verbal Judo" and "Tongue Fu" techniques for front line decision makers and receivers

Operational Issues

- ✓ Practical managerial steps needed to:
 - maximise performance
 - make day to day decisions
- ✓ Training outward facing employees to avoid:
 - "grooming"
 - temptations to collude in corruption

Segmentation: Focused and Additional Training For:

- ✓ Directing minds
- ✓ Outward facing employees and associates
- ✓ Sales and marketing

- ✓ Back office and support staff
- ✓ Audit and Compliance teams

SESSION 10

Whistle Blowing & Incident Reporting

The Nature of Whistleblowing and Whistleblowers

- ✓ The most effective whistle blowers are not "nice people"
- ✓ Most whistleblowing lines produce little of value

Effective Reporting Procedures

- ✓ Procedures should extend to customers, suppliers and members of the public (and not just employees)
- ✓ Hot and whistleblowing lines and websites
- ✓ Internal reporting procedures
- ✓ Annual reviews, declarations and letters of representation
- ✓ Vendor and Customer Interviews
- ✓ Exit interviews
- ✓ The CEO's blog
- ✓ Suggestion schemes
- ✓ Protection of whistle blowers
- ✓ Dangers of dealing with informants

Evaluating Information and Investigations

- ✓ Eliminating false or malicious reports
- ✓ The Evaluation Matrix
- ✓ Investigation processes and resources
- ✓ Maintaining the Adequate Procedures Dossier

SESSION 11

Dealing with Competitive Corruption:

Why International Competitors will Continue to Bribe

Cataloguing the Problem

- ✓ Tracking business lost to competitive corruption (Quantifying the problem)
- ✓ Setting up internal monitoring and business intelligence systems
- ✓ Identifying corrupt competitors (and their regulatory obligations)

Building the Case

- ✓ Intelligence gathering and investigative resources
- ✓ Monitoring and reacting to enforcement actions
- ✓ Involving regulatory agencies and Trade Commissions

Entering New and Vulnerable Markets

- ✓ Integrity pacts
- ✓ Specialised training: intelligence and counter-intelligence
- ✓ Involving clients and agreeing Invitations to Tender

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CORRUPTION OF BRIBERY

INTRODUCTION

Corruption and bribery are not the same thing. It is no coincidence that while all earlier UK laws focused on corruption, the new Act is limited to bribery. Wonder why?

This operational workshop:

- Is based on a forensic linguistic analysis of nearly two million official words on the UK and American anti-bribery laws and on over 40 years of front line experience
- Concentrates on the realities of corruption rather than perceptions of bribery and is eye opening
- Is an operational partner to legal advice
- Is designed to provide real value to commercial managers who have to take decisions in real time

COVERAGE

Laws and guidelines are issued in silos, few are indexed or cross referenced, some are undated and there are many inconsistencies within them and between them.

Although the MOJ Guidance for Commercial Organisations (GCO) contains 14,300 words, the MoJ and SFO threw its value into doubt from the outset by admitting it was **"not prescriptive"**, **"did not have the force of law"** and was not a **"safe harbour"** defence. The OECD referred to the GCO as being **"of comparable authority to an academic text"**.

Confusingly, there are over 1,800,000 words in relevant official pronouncements on how the laws might be enforced including guidelines, reports, consultations, papers, impact assessments, prosecutors' guidelines and speeches by:

- SFO
- Ministry of Justice
- United Nations
- Transparency International
- Law Commission
- Department of Justice
- World Bank
- UK Parliament
- OECD
- SEC

This bottom line is that:

- Many organisations fail to accurately identify their risks
- There is confusion and uncertainty over the way the Act will be enforced
- There are no cases stated or judicial precedents
- Supposed assurance that ambiguities will be resolved by prosecutorial discretion is of absolutely no value to commercial managers who have to take decisions in real time.

WHO SHOULD ATTEND

This program should be a special interest to:

- Compliance specialists
- Consultants
- Directors and non-executive directors
- Insurers
- Internal and external auditors
- Lawyers
- Regulators, police and commercial investigators
- Risk managers
- Senior managers
- And those who wish to supplement legal advice with practical managerial input.

Sessions will be interactive and encourage questions, comments and objections!

WHAT YOU WILL TAKE-AWAY

- 100 page work book containing:
 - Multiple check lists and mindmaps
- A CD which indexes, cross-references and hyperlinks to source the:
 - "OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions"
 - Selected TI publications
 - The UK Bribery Act
 - Ministry of Justice Guidance
 - SFO and CPS prosecutorial guidelines
 - And the more recent Consultation Paper and Impact Assessment on Deferred Prosecution Agreements
- A valuable reference source



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CORRUPTION OF BRIBERY

Central London – Tuesday 20th – Wednesday 21st November 2012 - FKW82335

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Payment should be made within 14 days of registration. All registrations must be paid in advance of the event. When registering, please quote your VIP code – found in top right hand corner of this booking form.



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HOW MUCH?

PRICE

Register by 7th September 2012

Corruption of Bribery Course - FKW82335 £1,299.00 + VAT @ 20% (£1,558.80)
SAVE £200

Register by 26th October 2012

Corruption of Bribery Course - FKW82335 £1,399.00 + VAT @ 20% (£1,678.80)
SAVE £100

Register after 26th October 2012

Corruption of Bribery Course - FKW82335 £1,499.00 + VAT @ 20% (£1,798.80)

£100 discount for in-house counsel (subject to validation)

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THREE EASY WAYS TO PAY

- Cheque:** Enclosed is our cheque for £ in favour of IIR UK Ltd. Please ensure that the Reference Code **FKW82335** is written on the back of the cheque.
 - By Bank Transfer:** Full details of bank transfer options will be given with your invoice on registration.
- To make payment by credit card:** To ensure we provide the highest level of security for your credit card details we are unable to accept such payments via email or fax, which ensures that these details are never stored on our network. To make payment by credit card on-line, please enter your credit card details in our secure payments website that you will use when making your booking via the event website (the event web address is near the top of the booking form). Alternatively call our customer service team on +44 (0) 20 7017 5503.

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The hotel is situated on the Brussels city centre ring, with Brussels North station a mere five-minute walk away and direct metro access (Rogier station). Delegates are responsible for the arrangement and payment of their own travel and accommodation. Informa has arranged a special room rate at a number of hotels. If you wish to book a room, please call Zibrant, call +44 (0)1332 285590; email informa@zibrant.co.uk or visit www.zibrant.co.uk/inform. Please state that you are an Informa delegate.

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