KENAS
Delivering Trust

KENYA
ACCREDITATION
SERVICE

ACC-CD-12-01

Criteria for Anti-Bribery Management Systems

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1 Background Information

1.1 Introduction

This guidance document specifies the accreditation criteria for Anti-bribery Management System (ABMS) and the IAF Mandatory Documents (MD) applicable to accredited ABMS certification. In line with the International Standard ISO/IEC, the following modal verbs are used for the expression of provisions:

“shall” is used to indicate a requirement;

“should” is used to indicate a recommendation;

“may” is used to indicate permission;

“can” is used to indicate possibility and capability.

In case of dispute concerning the application of this document, KENAS will adjudicate on unresolved matters. It is intended that after four years and also on a needs basis the content of this document will be revised.

1.2 Purpose

This guidance document sets out the additional accreditation requirements for Certification Bodies providing certification for the implementation of the Anti-bribery Management Systems ISO 37001 and meeting the requirements of ISO/IEC 17021-1 Conformity assessment -- Requirements for bodies providing audit and certification of management systems - Requirements for certification bodies providing audit and certification of Anti-bribery Management Systems, ISO/IEC TS 17021-9 Conformity assessment — Requirements for bodies providing audit and certification of management systems — Part 9: Competence requirements for auditing and certification of anti-bribery management systems, related IAF mandatory documents, related KENAS policies, procedures and guidance documents.

1.3 Scope

This document spells out the additional requirements to ISO/IEC 17021-1 and outlines additional requirements for third-party certification bodies accredited by KENAS. The criteria in this document will be applied in conjunction with those in the Assessor Guide and Terms of Reference ACC-CD-02-01, procedure for Management and Reporting of Assessments ACC-PR-07-01, Sampling during Assessment and Internal Audits ACC-PR-03-01, Policy for Management of Extraordinary Events PL-13-01, Policy for dealing with objection of assessors/experts PL-30-01 and the relevant IAF Mandatory Documents. Accreditation shall be on the basis of demonstrated competence of the Certification Body in line with IAF sector codes and the NACE sub codes.

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1.4 Role(s) and Responsibility

Role	Responsibility
Certification Department	Process owner
Manager Certification	Reviewer
Chief Manager Inspection and Certification	Recommender
Chief Executive Officer	Approval
Certification Bodies	Compliance

2 Terms and Definitions

For the purpose of this guidance document, the following terms and definitions shall apply in addition to those given in ISO/IEC 17000 and the Kenya Accreditation Service Act Cap 496A.

2.1 Acronyms and Abbreviations

AB	Accreditation Body
ABMS	Anti-bribery Management System
CB	Certification Body
CEO	Chief Executive Officer
CMIV	Chief Manager, Inspection and Certification
MC	Manager Certification
CPI	Corruption Perception Index
IAF	International Accreditation Forum
IEC	International Electrotechnical Commission
ISO	International Organization for Standardization
KENAS	Kenya Accreditation Service
TS	Technical Specifications

2.2 Definition of Terms

2.2.1 Accreditation

Third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks.

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2.2.2 Audit Time

Time needed to plan and accomplish a complete and effective audit of the client organization's management system (ISO/IEC 17021-1).

2.2.3 Bribery

offering, promising, giving, accepting or soliciting of an undue advantage of any value, directly or indirectly, and irrespective of location(s), in violation of applicable law, as an inducement or reward for a person acting or refraining from acting in relation to the performance of that person's duties.

2.2.4 Scope of accreditation

The specific conformity assessment services for which accreditation is sought or has been granted.

2.2.5 Witnessing

An observation of the CB carrying out conformity assessment services within its scope of accreditation.

2.2.6 Auditor time

The time spent by an Auditor or Audit Team in planning (including off-site document review, if appropriate); interfacing with organization, personnel, records, documentation and processes; and report writing.

2.2.7 Auditor Day

A full normal working day of 8 hours.

2.2.8 Technical area

This is an area characterized by similar activities, products or services and the related environmental aspects.

2.2.9 Corruption

Any offense relating to bribery, fraud, embezzlement or misappropriation of public funds, abuse of office, dishonesty in connection with any tax rate impost levied under any Kenyan act of parliament.

2.2.10 Corruption Perception Index

An indicator of corruption that scores countries/territories based on perceived corruption and published by Transparency International.

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3 Criteria

3.1 Requirements of Accreditation

3.1.1 A Certification Body (CB) shall satisfy the following standards to be accredited for ABMS:

a) ISO/IEC 17021-1: Conformity Assessment – Requirements for bodies providing audit and certification of management systems — Part 1: Requirements.
b) ISO/IEC TS 17021-9: Conformity assessment — Requirements for bodies providing audit and certification of management systems-part 9: Competence requirements for auditing and certification of Anti-bribery Management Systems.
c) ISO 37001:2016 Anti-bribery management systems requirements with guidance for use.

3.1.2 The following are the additional requirements that a CB applying for accreditation shall provide:

a) A definition of the competency required related to the identified ABMS aspects;
b) Information about the availability of this competency (competence evaluation of (sub-) contracted auditors or experts for specified technical areas).
c) Identification of additional requirements or specific guidelines to be used in ABMS certification. These shall include legal requirements as recognised by the Ethics and Anti-Corruption Commission in Kenya:
    i. The Constitution of Kenya
    ii. The United Nations Convention Against Corruption
    iii. The African Union Convention and Combating Corruption
    iv. The Ethics and Anti-Corruption Commission Act,2011
    v. The Bribery Act 2016
    vi. The Public Officer Ethics Act 2003
    vii. The Anti-Corruption and Economic Crimes Act 2003
    viii. The Proceeds of crime and Anti – Money Laundering Amendment Act 2017
    ix. Leadership and Integrity Act, 2012
d) The analysis regarding the identification of potential impartiality risks with respect to ABMS certification.
e) Information regarding compliance to applicable IAF resolutions.

3.1.3 The application package includes the following:

a) Duly filled application document
b) Corporate Profile

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c) Copy of documents demonstrating legal status
d) Organizational chart
e) A list of locations in which the certification body undertakes any of its certification activities as applicable. An applicant or accredited certification body shall include all names and geographic locations of a certified client covered by a certification in the certification document.
f) The activities carried out in each geographic location covered by a certification shall also be clearly specified in the certification documents.
g) Cross reference matrix identifying the CB's system documentation where accreditation requirements are met
h) Management System Documents; including certification body procedures and other supporting documentation which demonstrate conformity to the accreditation and/or sector scheme criteria
i) Matrix of auditors/technical experts which identifies their qualifications for the applicable scopes, sector scheme and standards to be issued by the CB

3.2 Determination of Accreditation Scope

3.2.1 The accreditation scope for the certification body shall be based on ISO/IEC 17021-1, ISO 37001 and IAF ID1.

3.3 Human Resource Requirements

3.3.1 The Certification bodies shall determine their competence criteria for personnel involved in the management and performance of ABMS audits in accordance to ISO/IEC TS 17021-9.

3.3.2 The Certification Bodies shall maintain records of qualifications and experience of its auditors. Experience involves working or providing certification services in the scope. Initial qualification of Certification Body's auditors shall include witnessing of a certification audit and on-site monitoring by a qualified Certification Body personnel member.

3.3.3 Personnel conducting or performing Anti-bribery Management Systems shall maintain and improve their knowledge and skills through continuous professional development (CPD) activities, such as training, private study, seminar and conferences.

3.4 Determination of audit time

3.4.1 The Certification body shall have procedures to determine the audit man days required for the initial, surveillance and certification audits. The procedure shall also include the policies for estimation of audit duration for multisite organizations and transfer of certificates, as needed.

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3.4.2 The CB shall give due consideration to the guidance given in IAF MD5 and IAF MD11(if applicable).

Table ABMS 1 - Relationship between Effective Number of Personnel, Complexity Category of ABMS Risk and Audit Time (Initial Audit only – Stage 1 + Stage 2)

Effective Number of Personel	**Audit Time Stage 1 + Stage 2 (Days)**			**Effective Number of personnel**	**Audit Time Stage 1 + Stage 2 (Days)**		
	High	Medium	Low		High	Medium	Low
1-5	3	2.5	2.5	626-875	17	13	10
6-10	3.5	3	3	876-1175	19	15	11
11-15	4.5	3.5	3	1176-1550	20	16	12
16-25	5.5	4.5	3.5	1551-2025	21	17	12
26-45	7	5.5	4	2026-2675	23	18	13
46-65	8	6	4.5	2676-3450	25	19	14
66-85	9	7	5	3451-4350	27	20	15
86-125	11	8	5.5	4351-5450	28	21	16
126-175	12	9	6	5451-6800	30	23	17
176-275	13	10	7	6801-8500	32	25	19
276-425	15	11	8	8501-10700	34	27	20
426-625	16	12	9	>10700	Follow above progression		

Note 1: *Audit time is shown for audits at high, medium and low complexity category of ABMS risk.*

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Note 2: T*he numbers of personnel in Table ABMS 1 should be seen as a continuum rather than a stepped change. If drawn as a graph, the line should start with the values in the lower band. The starting point of the graph should be personnel of one attracting 2,5 days. See clause 2.2 of IAF MD 05 for dealing with parts of a day.*

Note 3: *The CB's procedure may provide for calculation of audit time for a number of personnel exceeding 10700. Such time should follow the progression in Table ABMS 1 in a consistent fashion.*

The complexity Category of ABMS Risk to be evaluated on the basis of the following:

For ABMS, the provisions specified in this document are based on three primary complexity categories based on the following risk factors:

a. geographical location (degree of perceived risk in the geographical location/ country of operations as per Corruption Perception Index),
b. organisation background (number of legal cases in a defined period) and;
c. business sector (degree of perceived risk in the Business sector as per Bribery Payer Index).

The following Complexity Categories are based on ABMS risks of an organization which fundamentally affect the audit time. These are:

High– ABMS with significant risks (typically operations in low Corruption Perception Index (CPI) countries, background of bribery cases and business sectors which are low on bribery index);

Medium– ABMS with medium risks (typically operations in medium CPI index countries, no background of bribery cases and business sectors which are medium range on bribery index);

Low– ABMS with low risks (typically operations in high CPI index countries, no background of bribery cases, SMEs and business sectors which are high on bribery index);

In case, the individual risk factors for an organisation indicate different complexity categories, the highest complexity category shall be applicable e.g a power distribution organisation which is located and has operations in India should be categorised in the Complexity Category-High.

Note 4: *CPI Score is the 'Corruption Perception Index', an indicator of corruption that scores countries/territories based on perceived corruption and published by Transparency International.*

Note 5: *Bribery Payer Index is based on the 'Bribery in Business Sectors' report of Transparency International that identifies and ranks various business sectors on likelihood of bribes being paid.*

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The Corruption Perception Index for Kenya at 2022 is 32 therefore all organisations applying for ABMS will fall in the category of Medium under the Complexity Category of risks unless otherwise other factors indicate a need for consideration under the high risk category for example previous records on corruption related issues;

3.5 On-site Assessment

3.5.1 During the initial assessment, the implementation of policies and procedures is assessed at the office(s) of the Certification body.

3.5.2 The on-site assessment shall be conducted at the head office and any other locations.

3.5.3 The on-site Initial assessment comprises two mandatory components to determine if the certification body should be granted accreditation:

a) Assessment of the applicant's implementation of its management system in an office assessment.
b) Assessment of the applicant's auditors – witnessed assessment

3.5.4 During the office assessment the Assessment team samples the files of clients and personnel to cover the scope for which accreditation is sought. This is to be determined by the Team Leader, who should apply the following guidelines:

a) Files from each of the technical clusters certified that are a representative of the scope requested.
b) The files to be reviewed shall include at least an initial, surveillance and recertification audit for the certification body.
c) Sectors, which are included in the program for witnessing, may be excluded.
d) Only the non-critical sectors may be omitted.

3.5.5 The assessment team shall verify the composition, operations and records- of the Impartiality committee (if in place) to demonstrate how they are handling impartiality.

3.5.6 The Team Leader shall interview the chair of the impartiality committee (if in place) of the certification body or a committee meeting is witnessed or the minutes of the meeting verified.

3.5.7 In case the CB has any engagement with a consultancy body, KENAS shall verify files of this consultancy body to confirm the effectiveness of measures taken to mitigate any identified risks to impartiality.

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3.6 Witnessing audit plans for initial / reassessment

3.6.1 At least two weeks before witnessing of audits the KENAS team shall be provided with the following information:

a) Documented information (e.g. Quality Manual and key procedures) of the organization to be audited by the CB
b) Competence profile of the auditors to be witnessed
c) CB Audit Plan;
d) Previous Audit report (including notes), required actions and responses from the previous audit activity;
e) In case a surveillance or recertification audit is witnessed, a copy of the ISO 37001 certificate issued by the CB.

3.7 Selection of witness audits

3.7.1 When deciding how many and which audits are to be witnessed, a balanced selection, based on the scopes applied will be made covering the applied scopes to be accredited. In general, KENAS shall take into account factors such as:

a) the Certification Bodies' overall performance;
b) factors such as process complexity or legislation etc. which influence the ability of the certification body to demonstrate its ability to meet the intended outcomes of the Management System;
c) feedback from interested parties including complaints about certification bodies;
d) the results of the Certification Bodies 's internal audits;
e) scheme owner requirements, etc.;
f) changes in Certification Bodies work patterns – growth of work within a specific region or technical area;
g) Previous or other office or witnessing assessment results, etc.
h) complaints, customer surveys;
i) interested parties and regulators requests;
j) the technical clusters already assessed;
k) experience from other types of accreditation of the Certification Bodies;
l) previous history of the Certification Bodies' ability to manage its operations;
m) level of controls exercised by a Certification Bodies over its certification activities;
n) specific scheme requirements; and
o) national agreements with clients.

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3.7.2 In addition to the office audit activities, the following witness selection rules apply for the granting and extension of accreditation of ABMS certification to guarantee the appropriate coverage of the applicant scope:

3.7.2.1 In the initial accreditation cycle (meaning from first surveillance to the first reassessment), KENAS shall perform at least one witnessing activity in each technical cluster. This programme will continue until the CB has demonstrated sufficient experience and performance for an enhanced programme. When this happens, KENAS shall perform at least one witnessing activity in each technical cluster, during two successive accreditation cycles. This shall be complemented with other assessment activities to guarantee that each technical cluster is assessed at each cycle. KENAS shall justify why the witnessing programme was reduced. Normally, the witnessing frequency established for a 1st cycle would be reinstated if significant changes occur in the CBs' auditor qualification process, auditing practices or results and audit personnel.

3.7.2.2 The first and last witnessed audits should normally not be more than 6 months apart.

3.7.2.3 The auditee for the audit, which will be observed, should be a reasonable representation for the requested scope of accreditation.

3.7.2.4 The scope of accreditation will be reduced if the CB loses and therefore does not have any certified clients for the IAF codes under review. Accreditation shall not be granted for IAF codes where the CB does not have a client.

3.8 Maintenance of accreditation

3.8.1 The implementation of the accredited certification scheme shall be verified during surveillance assessment by KENAS.

3.8.2 The files reviewed during the maintenance of accreditation in a four years period (accreditation cycle) shall cover all the clusters mentioned for which the CB is accredited.

3.8.3 The number of files to be reviewed for each assessment is calculated from the number of valid certificates under accreditation for each scope (approximately one fifth of the square root of the number of certificates with a maximum of fifteen (15) files).

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3.8.4 For each four (4) year period, the number of witnessed audits shall be determined based on the following factors:

a) for each cluster of sectors included in the scope of the CB; or
b) 1 per √ (number of auditors qualified for ABMS certification).

(Whichever gives the higher number, with a maximum of 10)

3.8.5 When the second factor gives the higher number of witnessed audits, these shall also be spread over all clusters. This formula ensures that both a higher diversity in technical areas and a higher number of auditors will increase the number of witnessed audits.

3.8.6 In the application of the above guidelines, it shall be considered whether witnessed audits may serve for multiple scopes (e.g. by witnessing combined audits) and how many witnessed audits are performed in the other scopes.

3.8.7 The functioning of the impartiality committee (if constituted) of the Certification body is reviewed in-depth at least once during the accreditation cycle.

3.8.8 The KENAS Assessment Team Leader shall determine the method, which may include an interview (face-to-face, or telephone conversation) with a representative (non-CB) of the Committee, or the attendance to (part of) one of their meetings.

3.8.9 An accredited body that is aggrieved by a decision of the KENAS may, by notice in writing to the Chief Executive Officer and upon payment of the prescribed fees, appeal against the decision within twenty-one days of being notified of the decision.

3.9 Appeals

3.9.1 A notice of appeal under this section shall set out the grounds of the appeal.

3.9.2 The Chief Executive Officer shall, within seven days of receipt of the notice under sub-section (2), forward the notice to the Accreditation Appeals Tribunal.

3.9.3 The Accreditation Appeals Tribunal shall consider the notice of appeal and the response of the Service before making an award.

3.9.4 An award of the Accreditation Appeals Tribunal may —

a) Confirm the decision of the service;

b) Vary the decision of the Service;

c) Direct the Service to carry out a fresh evaluation of the application or undertake a fresh assessment of the conformity assessment body; or

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d) Issue other orders it may consider necessary including an order as to costs.

3.10 Scope extension

3.10.1 The assessment by KENAS in case of an application for an additional scope sector consists of one or more of the following assessment methods:

a) A review of documents and records;
b) A visit to the office of the CB, to verify documents and records and to interview relevant staff;
c) A witnessed audit.

3.10.2 At least the defined requirements for competence in that sector, records of the qualification process of auditors for that sector, and a complete certification dossier in that sector will be verified in a scope extension assessment.

3.10.3 In Extension assessments witnessed audit shall ordinarily be performed in each critical code for or the applied scope.

3.11 General remarks on witnessing

3.11.1 Besides the above-mentioned considerations for selection of audits to be witnessed, KENAS shall consider the following:

3.11.1.1 KENAS shall ordinarily not witness the same auditors that have been witnessed in the same scheme before;

3.11.1.2 KENAS shall ordinarily not witness an audit at the same organization;

3.11.1.3 In an accreditation cycle at least one third (with a minimum of 1) of the audits to be witnessed should be initial or recertification audits;

3.11.1.4 Witnessing of audits shall include the review of the audit report.

3.11.1.5 To be able to select the audits to be witnessed, the CB shall on request of the Accreditation Body provide a planning for the audits to be conducted in a certain period. The information on these audits shall include as a minimum:

a) type of audit (initial, recertification or surveillance);
b) name and address of auditee;
c) audit standard(s);
d) scope of certification;
e) name(s) of auditors(s) and expert(s);
f) date(s) of the audit.

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3.12 Specific assessment issues

3.12.1 During witness assessments, KENAS assessment teams will pay special attention to good auditing practices, such as sampling and the application of audit trails, especially when it comes to the audit of:

a) the internal audit and management review functions;
b) the ABMS documentation;
c) the recording and evaluation of continual improvement;
d) the organization's systems for achieving statutory and regulatory compliance

3.12.2 During the witness of a stage I audit, special attention will be given to (ref. ISO/IEC 17021-1, cl. 9.2.3.1.1):

a) Planning for stage II;
b) Scope determination;
c) Key elements of the system (e.g. determination of significant aspects);
d) Review of allocation of resources

3.13 Accreditation Standards

For serving national and international demands, KENAS chooses to have the following Standards to serve as the accreditation standards under the KENAS's ABMS Accreditation Program:

a) ISO/IEC 17021-1 Conformity assessment – Requirements for bodies providing audit and certification of management systems.
b) ISO 37001 Requirements for bodies providing audit and certification of Anti-Bribery Management Systems.

3.14 Revision

This document shall be revised/amended after every four (4) years

4 Normative Documents

A CB shall satisfy the following normative documents for ABMS accreditation:

Ref	Document Identifier	Document Title
1.	ISO/IEC 17021-1	Conformity assessment — Requirements for bodies providing audit and certification of management systems — Part 1: Requirements
2.	ISO/IEC 17021-9	Conformity assessment — Requirements for bodies providing audit and certification of management systems-Part 9: Competence requirements for auditing and certification of Anti-Bribery Management Systems

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Ref	Document Identifier	Document Title
3.	ISO 37001	Anti-bribery Management Systems – Requirements with guidance for use
4.	IAF MD 5	Determination of audit time of Quality, Environmental, and Occupational health & safety Management systems

5 Revision/ Amendment Record

Date	Ver	Revised By	Reason for Revision
19/09/2023	01	SDE	Newly developed document

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