

Checklist Compliance Competence

Provincie of Noord-Brabant

January 17, 2011

1. System regulatory requirements

Requirement	Verificatie item	Suitable	Documented	Implemented
1.1 Does the company maintain a system in which all relevant legal requirements are registered?	Registration of regulation in database or register	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.2 Is the management of this system assured?	Written responsibility	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.3 Does the company assure that the system is actual, complete and correct?	active screening changes of regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Periodical adjustment of database or register	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.4 Does the company analyses whether regulatory requirements are clear, compliable and effective?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.5 Does the company have a procedure for risk analyses and risk management which contains control measures for risk reduction?	Written procedure risk analysis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.6 Is the risk analysis used to differentiate the level of assurance of regulatory compliance?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.7 Does this system contains an explicit link between risk management, legal requirements and parts of the compliance management system?	Cross reference table	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Vision and behaviour

Requirement	Verification	Suitable	Documented	Implemented
2.1 Has the private body a written, supported vision on legal compliance?	Content of the vision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2 Is this vision known by employees?	Distribution of the vision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.3 Is the vision in writing?	Written vision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.4 Does the management actively support the compliance management system?	Agenda management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.5 Does the company have a written code of conduct which is accepted by employees and management which clarifies how the private body expresses the vision on legal compliance in the behaviour of employees and management?	Content code of conduct	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Review code of conduct every 3 years	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.6 Is the code of conduct known by employees?	Distribution code of conduct	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.7 Does the code of conduct explicitly stipulate what is expected from employees with regard to openness, education, pro-activity and self reflection concerning legal compliance?	Content code of conduct	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Quality thinking, education, self reflection and continuous improvement

Requirement	Verification	Suitable	Documented	Implemented
3.1 Does the private body meet the standard of a management system as has been agreed by the parties involved. Normally, this means that the private body should meet the requirements of ISO 9000 series or ISO 14001 ¹ ?	Operational management system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2 Is the management system meant in 3.1 systematically applied for the assurance of regulatory compliance?	Procedures aimed at legal compliance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3 Does the private body set objective quantified objectives for legal compliance?	Maximum number deviations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Objectives measurable and realistic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.4 Does the company issue annual plans with intended actions regarding legal compliance?	Is it clear who executes the actions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Is it clear when the action should be finished	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.5 Has the company determined how compliance performance is measured?	Procedure measuring compliance performance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Measuring objective and reproducible	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.6 Is the compliance performance measured regularly?	Report of measurement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.7 Does the private body systematically register deviations and near-deviations regarding legal compliance?	Periodical registration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.8 Does the private body systematically examine the cause of these deviations and near-deviations?	Registration examinations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.9 Does the company take action systematically following the examination of deviations and near-deviations as a means to improve the compliance performance?	Assignment of actions (who, when)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Monitoring execution actions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹ In specific cases a different standard than ISO 9001 or ISO 14001 may be agreed.

3.10 Does the company have a instruction plan showing how and when employees are informed about the legal requirements and what is expected from them regarding these legal requirements?	Instruction plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Content of the plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. Compliance officer and pro-activity

Requirements	Verification	Suitable	Documented	Implemented
4.1 Does the private body employ an officer (further called compliance officer) or department (further called compliance department) who governs the compliance with legal requirements by that company?	Clear department or job description	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2 Are the tasks, authorisations and responsibilities of the compliance officer and the compliance department determined?	Clear and unambiguous definition of tasks, power and responsibilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.3 Is there a replacement procedure in case the compliance officer is absent?	Dedicated person who is responsible	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4 Does the compliance officer or compliance department communicate with public authorities with regard to the meaning of legal requirements affecting the company?	Periodically at least twice a year	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.5 Can you show this through reports, minutes etc.?	Minutes of meetings with authorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Content of meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.6 Does the compliance officer or compliance department report directly to the highest management level and independent from those who are responsible for regulatory compliance?	Participation of compliance officer in highest management level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.7 Is the compliance officer or compliance department authorized to communicate in name of the company?			<input type="checkbox"/>	<input type="checkbox"/>
4.8 Is this power assured in writing?	Power laid down in writing (who, what)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.8 Does the compliance officer or compliance department have adequate experience, education and training?	Training compliance officer HRM file	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Open attitude and yearly reports

Requirement	Verification	Suitable	Documented	Implemented
5.1 Does the private body communicate openly with stakeholders about its own level of Legal compliance?	Communication	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2 Does the private body communicate openly with stakeholders about the design, working and results of its compliance management system?	Communication	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3 Does the private body publicize an annual report about its own level of legal compliance?	Annual report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.4 Does the company communicate in this annual report the performance in relation to all relevant regulatory requirements?	Compliance data in annual report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.5 Is this report transparent and clear?	Content annual report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.6 Is this annual report available for stakeholders?	List of stakeholders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Pre-screening employees and disciplinary measures

Requirement	Verificatie item	Suitable	Documented	Implemented
6.1 Has the private body made clear to employees and directors what action the private body takes in relation to persons who knowingly violate regulatory requirements?	Internal arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2 Has the private body made clear to employees and directors that no penalties are taken towards those reporting unintentionally committed violations?	Internal arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3 Does the company have a list of jobs vulnerable with regard to fraud?	List with jobs Criteria for jobs vulnerable with regard to fraud	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.4 Does the company use criteria to determine whether or not a job is vulnerable with regard to fraud?	Criteria	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.5 Does the company apply a screening procedure to assure that jobs vulnerable with regard to fraud are executed by suitable employees?	Screening procedure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.6 Has the company taken measures to assure that jobs vulnerable with regard to fraud are done by employees who act ethically?	Written measures in case of unethical acting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.7 Does the company have a system or procedure check that tasks vulnerable with regard to fraud are carried out ethically?	Due to internal audit at least twice a year	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Results internal audits reported in writing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.8 Does the company take direct measures when violations are noticed?	Internal arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6.9 Has the company made clear to the employees that notification of violations is compulsory?	Internal arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.10 Does the company have a system or procedure to stimulate the notification of violations?	Prompt feedback from the management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Simple procedure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Possible consequences are known to the notifier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>