

Bribery Act 2010: anti-bribery policy

The Bribery Act 2010 contains two general offences covering **the offering, promising or giving of a bribe** (active bribery) and **the requesting, agreeing to receive or accepting of a bribe** (passive bribery). It also sets out two further offences which specifically address commercial bribery: the offence relating to bribery of a foreign public official in order to obtain or retain business or an advantage in the conduct of business, and a new form of corporate liability for failing to prevent bribery on behalf of a commercial organisation. The Provectus group of Companies (Provectus Group and Provectus Remediation) and The Brownfield Holding Company herein called the “Company” takes proportionate action to reduce the risk of bribery relative to the size and nature of the business.

Related Documents

Code of conduct and Ethics
Employee Staff Handbook and Polices

Penalties for breach of the Bribery Act 2010 are

- Individuals convicted of paying or receiving bribes face up to 10 years imprisonment
- Companies convicted of failing to prevent bribery by associated persons face unlimited fines
- Directors and Senior Officers of companies involved can face criminal and civil liabilities.

In terms of the Act, - not knowing or not sanctioning is not a defensible statement. Robust policies and procedures must be in place to prevent bribery.

1. Top Level Commitment

The Directors are committed to ensuring that the business of the Company is conducted without bribery and will not tolerate active, passive, or any other form of bribery by any Company employees in carrying out activities on behalf of the Company. The Company has appointed the Finance / HR Director to be responsible for overseeing the anti-bribery policy and actions.

2. Risk Assessment

The Company has proportionate procedures in place to reduce the risk of bribery through existing controls over company expenditure, accounting and commercial contracts. A system of authorised signatories and expenditure limits is in place and multiple authorisations are required for significant transactions.

3rd parties shall be generically risk assessed for compliance with the Bribery Act 2010 in addition to other risk assessments.

3. Due Diligence

Due diligence will be undertaken on persons who will perform services for the Company on its behalf, for example a supplier. It is considered the risk of bribery being committed by such person is

low and that such persons are likely to be genuine and can be trusted to do the Companies' business without bribing. Where appropriate, enquiries with business contacts will be made by the Company before others are engaged to represent the Company in business dealings.

4. Communication

The Companies Anti-Bribery Policy will be communicated to all employees and to those who perform services for the Company. Members of staff with purchasing authority will be given additional information regarding anti-bribery measures that are proportionate to their seniority, level of purchasing authority, and role within the Company.

5. Cash gifts or Payments

Cash or Payment may be interpreted as bribery under the Bribery Act 2010. Receipt of cash or payment as a gift is strictly prohibited.

6. Gifts / Hospitality

All gifts must be registered with a Director. Where a supplier sends a gift, such as wine at Christmas, or a 'goody bag' at a function, and can be proven to give the same to each of his clients or customers and the gift is for a reasonable amount, this is acceptable gift.

Where the value is not insignificant, such as theatre tickets or football tickets, the gift may be accepted, may be extended or accepted as a reflection of good relations, provided such activity is demonstrably reasonable and proportionate to support the activities of the Company. Approval should always be sought from a Director prior to acceptance of any hospitality.

Where the gift is significant or does not comply with the above, advice must be taken from a Director who will advise on behalf of the company, prior to acceptance of any gift. Advice given will be based on all of the available facts and in relation to the UK Bribery Act 2010. This advice will be confirmed in writing and shall be followed.

Events, invitations to major sporting events, or entertainment, where there is no defined business purpose and there is demonstrable evidence of the fact that other customers or suppliers are in receipt of the same hospitality, it may be allowable if this expenditure is not excessive and the event cannot be deemed to be influencing of business. Before acceptance of any such invite, the employee must seek approval for a Director.

7. Giving of gifts / Hospitality

Gifts and Donations may be given where

- These promotions improve the image of the Company
- Present our products and services
- Establish cordial relations with customers.

In all cases, donation or giving of gifts must not influence an individual or a 3rd party in business with the Company.

Where hospitality events are arranged by the Company for customers, or other third parties, it must be demonstrable that either

- The event sets out to improve the image of the Company
- Establish cordial relations
- Present our products and services
- The event shows no favouritism nor can be seen to influence unduly a customer or other third party.
- There must be more than one customer at this event and It must be demonstrable that each third party or customer is treated in the same manner as other customers at the event.
- Consideration should be given to the possibility of misinterpretation of gifts or hospitality given by the Company during a period of negotiation, bid review or tendering process with a customer or third party.

If there is concern, advice must be taken from a Director

8. Monitoring and Review

The anti-bribery policy will be reviewed by the Directors at regular intervals to ensure the risks faced and the effectiveness of the anti-bribery policy and procedures keep pace with any changes in the bribery risks faced by the Company.

A “Whistleblowing Policy “ is in place that gives guidance to any employee that genuinely and in good faith believes that a violation has taken place. Please refer to this policy for the procedure.



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issue 23.08.2021