


# Anti-bribery Policy

Authorised by: 

Craig McKay - CEO 01.08.2021



# Contents

<b>1. Context.....</b>	<b>3</b>
<b>2. Introduction .....</b>	<b>3</b>
<b>3. Scope of this policy .....</b>	<b>4</b>
<b>4. What is bribery? .....</b>	<b>4</b>
<b>5. What is prohibited? .....</b>	<b>5</b>
<b>6. Individual responsibilities .....</b>	<b>5</b>
<b>7. Preventing and reporting bribery .....</b>	<b>5</b>
<b>8. Consequences.....</b>	<b>6</b>
<b>Appendix 1: Frequently asked questions.....</b>	<b>7</b>
<b>Appendix 2: Risk assessment .....</b>	<b>9</b>
<b>Appendix 3: Examples of scenarios in which offences may be committed .....</b>	<b>12</b>
<b>Appendix 4: Examples of potential risk scenarios – red flags .....</b>	<b>13</b>



## Context

**1.1.** The [Bribery Act 2010](#) came into force from 1 July 2011, replacing a number of older laws and creating a single comprehensive code in relation to Bribery and Corruption. The Act creates new offences and places responsibility on organisations as well as the individual. The Act has a wide geographical reach and covers any country in the world and also includes any bribes paid by third parties on behalf of the organisation. The Act also covers the acts of agents or associates acting on behalf of the organisation. The penalties are severe with potentially unlimited fines and the possibility of imprisonment up to a maximum of ten years for individuals.

**1.2.** The Act creates four offences. The first three are offences that are committed by individuals and the fourth is a corporate offence:

1. Promising or offering a bribe;
2. Requesting, agreeing to receive or accepting a bribe;
3. Bribing a foreign public official; and
4. A corporate offence of 'failure to prevent bribery' by 'persons associated' with an organisation.

**1.3.** This Policy covers:

1. The main areas of liability under the [Bribery Act 2010](#);
2. The responsibilities of employees and associated persons acting for, or on behalf of, Alexander Comley LTD and its subsidiary companies;
3. The consequences of any breaches of this Policy; and
4. Information and guidance on how to recognise and deal with bribery and corruption issues.

## Introduction

**1.4.** Alexander Comley LTD is committed to the highest standards of ethical conduct and integrity in its business activities in the UK and overseas. This Policy outlines Alexander Comley LTD's position on preventing and prohibiting bribery, in accordance with the [Bribery Act 2010](#).

**1.5.** Alexander Comley LTD does not tolerate any form of bribery, whether direct or indirect, by, or of, its employees, temporary workers, consultants, contractors, agents and subsidiaries or any persons or body acting for it or on its behalf, and its employees.



Alexander Comley LTD top management are committed to implementing effective measures to prevent, monitor and eliminate bribery.

## Scope of this policy

**1.6.** This Policy applies to all employees of Alexander Comley LTD, and to ‘associated persons’, which includes Alexander Comley LTD’s temporary workers, consultants, contractors, agents and subsidiaries acting for, or on behalf of, Alexander Comley LTD within the UK and overseas.

**1.7.** Every employee and associated person acting for, or on behalf of, Alexander Comley LTD is responsible for maintaining the highest standards of business conduct. Any breach of this Policy is likely to constitute a serious disciplinary, contractual and criminal matter for the individual concerned and may cause serious damage to the reputation and standing of Alexander Comley LTD.

**1.8.** All employees and associated persons are required to comply with this Policy, in accordance with the [Bribery Act 2010](#).

## What is bribery?

**1.9.** A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.

**1.10.** A criminal offence will be committed under the [Bribery Act 2010](#) if:

- An employee or associated person acting for, or on behalf of, Alexander Comley LTD offers, promises, gives, requests, receives or agrees to receive bribes; or
- An employee or associated person acting for, or on behalf of, Alexander Comley LTD offers, promises or gives a bribe to a public official with the intention of influencing that official in the performance of their duties; and
- Alexander Comley LTD does not have the defence that it has adequate procedures in place to prevent bribery by its employees or associated persons.

**1.11.** It is not the intention of the Policy to prevent the following activities:

- Normal and appropriate hospitality;
- The giving and receiving of modest gifts.

**T:** +44 (0) 1384 401 080 | **F:** +44 (0) 1384 273 935 | **E:** [sales@alexandercomley.com](mailto:sales@alexandercomley.com) | **W:** [www.alexandercomley.com](http://www.alexandercomley.com)

Registered Name: Alexander Comley Ltd | Registered in England: 108 654 46 | VAT reg No: 273 892 561



**1.12.** Such hospitality or gifts must be proportionate, reasonable and made in good faith and not place any expectation on the recipient to reciprocate either in like or by performing, or failing to perform, any other task in return.

## What is prohibited?

**1.13.** Alexander Comley LTD prohibits employees or associated persons from offering, promising, giving, soliciting or accepting any bribe. The bribe could be made to ensure that a person or organisation improperly performs duties or functions to gain any commercial, contractual or regulatory advantage for Alexander Comley LTD in either obtaining or maintaining Alexander Comley LTD business, or to gain any personal advantage, financial or otherwise, for the individual or anyone connected with the individual.

## Individual responsibilities

**1.14.** These include:

- To read, understand and comply with this Policy.
- The prevention, detection and reporting of bribery and other forms of corruption.
- To notify the Board of Directors as soon as possible if you believe or suspect that a conflict with this Policy has occurred or may occur in the future.

**1.15.** Any employee who breaches this Policy will face disciplinary action.

Alexander Comley LTD reserves its right to terminate the contractual relationship with associated persons if they breach this Policy.

## Preventing and reporting bribery

**1.16.** All Alexander Comley LTD employees and associated persons have a responsibility to prevent, detect and report bribery.

**1.17.** Individuals are encouraged to raise concerns about any instance or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery, or if you have any other queries, these should be raised with a Director.

**T:** +44 (0) 1384 401 080 | **F:** +44 (0) 1384 273 935 | **E:** [sales@alexandercomley.com](mailto:sales@alexandercomley.com) | **W:** [www.alexandercomley.com](http://www.alexandercomley.com)

Registered Name: Alexander Comley Ltd | Registered in England: 108 654 46 | VAT reg No: 273 892 561



**1.18.** Alexander Comley LTD is committed to ensuring no one experiences any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future.

## Consequences

**1.20.** Any breach of this Policy is likely to constitute a serious disciplinary, contractual and criminal matter for the individual concerned and may cause serious damage to the reputation and standing of Alexander Comley LTD.

**1.21.** A breach of the organisation's Anti-Bribery Policy by an employee will be treated as grounds for disciplinary action. Alexander Comley LTD may terminate the contracts of any associated persons, including consultants or other workers who act for, or on behalf of, Alexander Comley LTD who are found to have breached this Policy.

**1.22.** Employees and other individuals acting for the organisation should note that bribery is a criminal offence that may result in up to ten years' imprisonment and/or an unlimited fine for the individual and an unlimited fine for the organisation.

**1.23.** Alexander Comley LTD may also report any matter to the relevant authorities, including the Director of Public Prosecutions, Serious Fraud Office, Revenue and Customs Prosecutions Office and the police.

**1.24.** Alexander Comley LTD will provide all necessary assistance to the relevant authorities in any subsequent prosecution.



## Appendix 1: Frequently asked questions

### 1. Who does the Bribery Act apply to?

It applies to both individuals and companies. Both UK and foreign companies are covered, provided they have some operations in the UK, and could be prosecuted by the Serious Fraud Office (SFO). It is a criminal offence for an individual to give or receive a bribe. It is also a corporate offence if an organisation is found to have failed to prevent bribery.

### 2. What are the penalties?

Individuals can face up to ten years in prison and an unlimited fine. Organisations can also face unlimited fines.

### 3. What counts as bribery?

In its Guide to the Bribery Act, the Ministry of Justice says: ‘Very generally,[bribery] is defined as giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so.’ Facilitation payments, whereby officials are paid to speed up routine services they are obliged to carry out, are bribes. These types of payments were illegal even before the Bribery Act. For instance, a facilitation payment may involve giving cash to customs officials abroad to get goods through. Hospitality is not prohibited by the Act.

### 4. What is the definition of ‘bribing another person’?

The offering, promising or giving of a reward to induce a person to perform a relevant function or activity improperly. For this offence to be committed there needs to be evidence that the act under consideration was carried out with the purpose of inducing a person to act improperly. The government guidance gives the example of inviting clients to a Six Nations match at Twickenham to cement good relations. This act of hospitality is unlikely to be seen as a bribe because the purpose is not to induce improper behaviour.

### 5. What is the definition of ‘being bribed’?

The accepting of, agreeing to accept or requesting of a reward in return for performing a relevant function or activity improperly. A ‘relevant function or activity’ includes any activity of a public nature or any activity connected to a business. ‘Acting improperly’ will be any breach of what a reasonable person in the UK would



expect in relation to the performing of the function or activity. However, note that the offences apply even if the function or activity is not taking place in the UK.

## 6. What is the definition of ‘failure to prevent bribery’?

This – the ‘corporate offence’ – occurs when an organisation fails to stop people who are operating on its behalf from being involved in bribery. This offence could occur as a result of the activities of a range of people working on behalf of the organisation – an employee, consultant or agent, for example – if those individuals were involved in accepting or receiving a bribe which resulted in the organisation gaining or retaining business. Specifically offences may be prosecuted if:

- Committed by a British national or corporation or individual who is
- Ordinarily resident in the UK regardless of where the offence was Committed; and/or
- Any act or omission which forms part of the act is committed in the UK.

## 7. Are there any defences?

An organisation will not be liable if it can show it had adequate procedures in place to prevent bribery. ‘Adequate procedures’ may include providing anti- bribery training to staff, carrying out risk assessments, or carrying out due diligence on the people the organisation deal with. In the government guidance six guiding principles set out the approach that organisations should use to prevent bribery occurring in their organisation.

## 8. What are the six guiding principles?

There are six guiding principles outlined in the Government Guidance to the Bribery Act:

**Principle 1** – Procedures to prevent bribery by persons associated with Alexander Comley LTD that are proportionate to the bribery risks it faces and to the nature, scale and complexity of Alexander Comley LTD’s activities.

**Principle 2** –The Board of Directors are committed to preventing bribery by persons associated with Alexander Comley LTD.

**Principle 3** – Risk Assessment by Alexander Comley LTD assesses the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it.





**Principle 4** – Alexander Comley LTD applies due diligence procedures, taking a proportionate and risk-based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, in order to mitigate identified bribery risks.

**Principle 5** – Alexander Comley LTD seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training that is proportionate to the risks it faces.

**Principle 6** – Alexander Comley LTD monitors and reviews procedures designed to prevent bribery by persons associated with it and make improvements where necessary.



## Appendix 2: Risk Assessment

Risk Areas	Actions
<p>Corporate gifts and hospitality</p>	<p>The <a href="#">Bribery Act 2010</a> outlines the rules around the acceptance of gifts and hospitality.</p> <p><i>The key principles are:</i></p> <ol style="list-style-type: none"> <li>1. No member of staff/employee shall be in receipt of gifts, excessive hospitality or any other inducement from a supplier or potential supplier of goods, materials or services to Alexander Comley LTD.</li> <li>2. All members of staff/employees must adhere to these procedures, to ensure the highest possible standards of public accountability.</li> <li>3. Staff/employees should be aware that reports of receipts of gifts and/or excessive hospitality can cause disquiet and possibly lead to prosecutions for corruption.</li> <li>4. Staff who are in a position to award a contract or recommend contractors for the tender process must not work with any such supplier on a personal basis.</li> </ol>
<p>Procurement – purchases of goods and services by Alexander Comley LTD, particularly the award of tenders and contracts.</p>	<p>Employees and, where applicable, associated persons, are required to take particular care to ensure that all Alexander Comley LTD records are accurately maintained in relation to any contracts or business activities, including purchase orders, tenders, financial invoices etc and all payment transactions with clients, suppliers and public officials. All accounts, invoices and other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness.</p>



	Due diligence that is, reasonable efforts to undertake verifications and precautions to identify or prevent foreseeable risks – should be undertaken by employees and associated persons prior to entering into any contract, arrangement or relationship with a potential supplier of services, consultant or representative in accordance with Alexander Comley LTD’s procurement and risk management procedures.
<b>Risk Areas</b>	<b>Actions</b>
Joint ventures collaborations, partnerships, affiliations, subsidiaries and spin-out companies	<p>Alexander Comley LTD could be liable for any bribery or corruption committed by a fellow joint venture party or contractor which is Alexander Comley LTD’s commercial or financial benefit.</p> <p>It is therefore vital that due diligence is carried out on any prospective joint venture party or contractor before committing Alexander Comley LTD to any such arrangement and on each renewal of such an arrangement. It may be necessary, as a result of the due diligence, to require the joint venture party or contractor to ‘sign up’ to equivalent anti-bribery or corruption risk and/or institute ongoing monitoring arrangements. Existing joint venture partners and contractors may need to be made subject to greater operational scrutiny by Alexander Comley LTD.</p>
The recruitment and admission of staff/employees	All staff members involved in extending offers of employment must be made aware of the Anti-Bribery Policy and offences under The <a href="#">Bribery Act 2010</a> .



## Appendix 3: Examples of scenarios in which offences may be committed

### Active bribery

- Alexander Comley LTD is seeking planning permission for a new site and the local planning officer suggests that a charitable donation to a local school (where they are governor) will help Alexander Comley LTD.'s cause. But this will be 'off the record'.
- Receiving/offering excessive hospitality from/to a supplier/customer to secure commercial orders.

### Passive bribery

- Receiving event tickets from a contact on the understanding that you will, as a result, put business 'their way' or award or renew an existing contract.
- A contact offers your partner a free long-haul flight if you ensure that their tender response receives preferential treatment.
- Alexander Comley LTD is reviewing its IT suppliers. One bidder offers a free iPad for every department head if its bid is successful.
- Alexander Comley LTD is bidding for a flange supply contract being funded by a bank. The procurement officer of the bank suggests that if you can get tickets for them and their son to go to the Cricket World Cup final that will help Alexander Comley LTD's bid.
- A student has been unable to secure a postgraduate position due to poor grades, but his father offers to make a £10,000 donation to Alexander Comley LTD if the decision is reversed.

### Bribing a foreign official

- Alexander Comley LTD is opening a new office overseas. You learn that because of a backlog registration with the authorities it is taking up to six months to obtain registration. However, you are told that a payment of £5,000 will expedite the process.
- Using an overseas intermediary to pay a suggested £1,500 'fee' for expedited approval by a foreign official of a local course proposed to be run by Alexander Comley LTD

**T:** +44 (0) 1384 401 080 | **F:** +44 (0) 1384 273 935 | **E:** [sales@alexandercomley.com](mailto:sales@alexandercomley.com) | **W:** [www.alexandercomley.com](http://www.alexandercomley.com)

Registered Name: Alexander Comley Ltd | Registered in England: 108 654 46 | VAT reg No: 273 892 561



## Appendix 4: Examples of potential risk scenarios – red flags

If you encounter any of the following while working for Alexander Comley LTD you must report them promptly to the Board of Directors (this list is not exhaustive):

- You are offered an unusually lavish gift or hospitality.
- You become aware that a third party engages in, or has been accused of engaging in, improper business practices.
- A third party requests an unexpected additional fee or commission to ‘facilitate’ a service.
- A third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provisions of services.
- A third party demands that you provide employment or some other advantage to a friend or relative.
- A third party insists on receiving a commission or fee payment before committing to signing up to a contract or carrying out a government function or process.
- You receive an invoice from a third party that appears to be non-standard or customised.
- You learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a ‘special relationship’ with foreign government officials.
- A third party requests payment in cash and/or refuses to sign a formal commission or fee arrangement, or to provide an invoice, or receipt for a payment made.
- A third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business (note: such a scenario may be a mixture of bribery and/or money laundering).
- A third party requests that a payment is made to ‘overlook’ potential legal violations.
- A third party insists on the use of side letters or refuses to put terms agreed into writing.
- A third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used or known to Alexander Comley LTD

**T:** +44 (0) 1384 401 080 | **F:** +44 (0) 1384 273 935 | **E:** [sales@alexandercomley.com](mailto:sales@alexandercomley.com) | **W:** [www.alexandercomley.com](http://www.alexandercomley.com)

Registered Name: Alexander Comley Ltd | Registered in England: 108 654 46 | VAT reg No: 273 892 561

