

Anti-bribery & Corruption Policy



Last updated: August 2018

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Anti-bribery and corruption statement

Introduction

The Bribery Act 2010 (“the Act”) is effective from 1st July 2011. The Act repeals and consolidates previous corruption legislation. In addition to the established criminal offences of giving and receiving a bribe, this Act places specific responsibility on organisations to have in place adequate procedures to prevent bribery. Should bribery occur, as well as the offences on the part of the individuals concerned, organisations will also be liable for the corporate offence of failing to prevent bribery unless they can demonstrate that adequate preventative measures were in place.

Bribery occurs where there is intent to give 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. It is an inducement for an action which is illegal, unethical or a breach of trust, and can take the form of gifts, loans, fees, rewards or other privileges.

Scope

The Act applies to firm’s who do business in the UK (whether incorporated in the UK or not), doing business anywhere in the world. An offence under Sections 1, 2 and 6 of the Act apply to acts committed overseas (where the act or omission would have been an offence if done or made in the UK) and the person has a “close connection” with the UK. Those with a close connection are defined to include British citizens, individuals ordinarily resident in any part of the UK and bodies incorporated under UK law.

It will be a defence (under section 7 (2)) for a commercial organisation to prove that it had in place adequate procedures designed to prevent persons associated with it undertaking offences under the Act. All directors and employees are required to comply with this Anti-bribery Policy.

Offences

The Act’s statutory offences are as follows:

Offences of bribing another person “The active offence” (Section 1)

It is an offence to offer, promise or give a financial or other advantage (“bribe”) to another person where it is intended to induce the improper performance of a relevant function or activity or to reward for such an improper performance.

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Offences relating to being bribed “The passive offence” (Section 2)

It is an offence for a person to request, agree to receive or accept a bribe. It does not matter whether the recipient of the bribe receives it directly or through a third party.

Bribery of foreign public officials (Section 6)

It is an offence to bribe a foreign public official (“FPO”), where it is intended to influence the FPO in the performance of his or her official functions in order to obtain or retain business or an advantage.

Failure of commercial organisations to prevent bribery (Section 7)

It is an offence for a commercial organisation (including a body corporate, partnerships conducting business in the UK) to fail to prevent bribery by persons performing services on its behalf (“associate persons”). Such an offence will arise where a person associated with the organisation bribes another person intending to obtain or retain business for the organisation or to obtain or retain an advantage in the conduct of business for the organisation. Persons "associated" with the organisation could include employees, agents, contractors and joint-venture arrangements and subsidiaries. However, a subsidiary will only be an associated person if the bribe obtained is intended to benefit the Parent directly.

Offences under sections 1, 2, and 6 by bodies corporate (Section 14)

A senior officer of a commercial organisation will be personally liable if the offence under section 1, 2 and 6 has been committed with his/her consent or connivance which in the absence of a technical definition shall be taken to mean participation, involvement, responsibility or collusion.

Procedures

The Ministry of Justice has issued Guidance that sets out the six principles intended to assist a firm in ensuring that the adequate procedures are proportionate to the nature, scale and complexity of a firm and to assist a firm in complying

Top level commitment

Peter Hall Finance & Accounting Solutions is committed to deterring, preventing and detecting bribery in the following ways:

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There is a zero tolerance policy towards bribery and such acts would be regarded as gross misconduct or breach of contract. Staff may also face legal action by the Serious Fraud Office (“SFO”) if they act in breach of this Policy (see penalties under the offences outlined above).

The giving or receiving of improper inducements, of any value, is strictly prohibited.

Facilitation payments must not be made or charged.

The nature of each of Peter Hall Finance & Accounting Solutions’ sponsorship relationships is fully documented in an approved marketing plan. Peter Hall Finance & Accounting Solutions does not make financial contributions to favour particular political parties.

Risk assessment & proportionality

A periodic risk assessment will be carried out to ensure that our procedures are proportionate to the bribery risks the firm or its associated persons face, and to the nature, scale and complexity of the business. Our risk has been assessed as generally low because it does not operate in a risky business sector and is a relatively small firm. Also, the jurisdiction is mainly UK only.

Peter Hall Finance & Accounting Solutions’ procedures have been determined with these risks in mind, including the actions we are taking for particular third parties. These risks are reconsidered on an informal basis at the time for new lines of business and new business relationships.

Due diligence

Due diligence is carried out to help prevent associated persons from bribing on behalf of the Peter Hall Finance & Accounting Solutions. This includes due diligence on directors, employees, agents and other third parties as determined by our risk assessment.

Communication & training

Peter Hall Finance & Accounting Solutions has a zero-tolerance approach to bribery and corruption and this is communicated to all parties in connection with Peter Hall Finance & Accounting Solutions at the outset of the business relationship.

To enhance awareness and help deter bribery CCLA has the following arrangements in place:

When contracts are renewed an anti-bribery clause is to be added.

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Peter Hall Finance & Accounting Solutions will monitor and evaluate the effectiveness of its bribery prevention procedures as part of the compliance monitoring programme.

A formal update and review of the risk assessment is carried out every 2-3 years in conjunction with the existing fraud risk assessment process.

Changes to business partners and lines of business are considered in relation to bribery risks, as they occur.

Cash of any value cannot be given or accepted.

There is a dual control approval process for all company payments which ensures they are for valid purposes.

If you have been a victim of fraud, please call Action Fraud on 0300 123 2040.

Peter Hall Finance & Accounting Solutions also considers the obligation to report any suspicions to the National Crime Agency (“NCA”). The benefit gained by virtue of a payment of a bribe will be tainted by the act of illegality through which it was obtained and is likely to constitute criminal property under the Proceeds of Crime Act 2002 (“POCA”), the main UK anti-money laundering legislation.

Under POCA, criminal property is property that represents a benefit from criminal conduct. A person who did not commit an underlying offence can still commit a money laundering offence where he/she holds property that represents a benefit under that offence. Therefore, it does not matter who engaged in the criminal conduct; where criminal property is generated a money laundering offence will be committed.

Our MLRO will determine whether or not to report the matter to the NCA.

Signed: 

Position: Director

Date: 16th January 2018

Review Date: 2020