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# Anti-bribery Policy

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## 1.0 INTRODUCTION

Pickerings Hire Ltd (“the Company”) is committed to carrying out its business functions in an open and transparent way operating with the principles of honesty and integrity in respect of its conduct.

On 1 July 2011, the Bribery Act 2010 came into force, and its provisions apply to all Company business.

The Bribery Act creates a number of new bribery and corruption offences and holds businesses and institutions liable for failing to prevent bribery carried out on their behalf, irrespective of whether the bribe takes place in the UK or overseas.

The sanctions for these offences include up to 10 years’ imprisonment for the individuals responsible. In addition, if the Company is found to have been involved in acts of corruption undertaken in its name, the penalties include personal liability for senior managers and an unlimited fine and significant reputational damage for the Company.

This policy outlines how the Company is implementing and enforcing effective systems to counter bribery.

## 2.0 SCOPE

The aims of this policy are to:

- set out the Company’s responsibilities, what the Bribery Act means to all staff within the business and how this will be monitored;
- provide information and guidance to those working for us on how to recognise and deal with bribery and corruption issues should they arise; and
- provide information to customers and suppliers of the Company as to how we will deal with bribery and corruption.

The Company accepts that there will be situations where an employee may be invited to a Corporate Event or be given a gift – this policy is not designed to disallow these practices but to ensure that both the Company and its’ employees are fully compliant with the legislation at all times.

## 3.0 PRINCIPLES

Section 4.0 provides more detail on bribery, including the law and prevention procedures.

This policy prohibits any inducement which results in a personal gain or advantage to the recipient or any person or body associated with them, and which is intended to influence them to take action which may not be solely in the interests of the organisation for which they work.

Inevitably, decisions as to what is acceptable may not always be easy. If anyone is in doubt as to whether a potential act constitutes bribery, the matter should be referred to the Managing Director, Regional Directors or Finance Director.

### 3.1 Employee Responsibility

The prevention, detection and reporting of bribery is the responsibility of all employees throughout the Company. Suitable channels of communication by which employees or others can report confidentially any suspicion of bribery will be maintained via the Company Whistle Blowing Policy.

### 3.2 Supplier Responsibility

If a supplier who provides services to the Company has a concern about bribery then employees should encourage them to report the matter to the Company or raise it with their employer and have them report it to the Company.

## 4.0 BRIBERY LAW AND PREVENTION PROCEDURES

### 4.1 What is Bribery and Corruption?

Under the Bribery Act 2010 it is an offence for a person to offer, promise or give financial or other advantage to another person in one of two cases:

- where that person intends the advantage to bring about the improper performance by another person of a relevant function or activity or to reward such improper performance; or
- where a person knows or believes that the acceptance of the advantage offered, promised or given in itself constitutes the improper performance or a relevant function or activity.

Acts of bribery or corruption are designed to influence the individual in the performance of their duty and perform in breach of any duty of good faith, impartiality or in breach of a position of trust. It is about getting someone to do something they would not or should not otherwise do for personal gain. It is an offence in itself to offer the bribe if you know or believe that to take it, even if they did not do as they had been asked, would be a breach of their obligations.

For the purposes of this policy, whether the payee or recipient of the act of bribery or corruption works in the public or private sector is irrelevant. The person being bribed is generally someone who will be able to obtain, retain or direct business.

### 4.2 What is a Bribe?

Bribes can take on many different shapes and forms, but typically they involve corrupt intent.

There will usually be a "*quid pro quo*" – where both parties will benefit. A bribe could be the:

- direct or indirect promise, offering, or authorisation, of anything of value ;
- offer or receipt of any kickback, loan, fee, reward or other advantage; or
- giving of aid, donations or voting designed to exert improper influence.

### 4.3 Who can Engage in Bribery or Corruption?

In the eyes of the law, bribery and corrupt behaviour can be committed by:

- an employee, officer or director;
- any person acting on behalf of the Company – this includes third parties retained by the Company; and
- individuals and organisations where they authorise someone else to carry out these acts.

Acts of bribery and corruption may involve those in private business who are induced to act in breach of their obligations as well as public or government officials (or their close families and business associates). For the purposes of this policy, a government official could be:

- a public official (e.g. a planning officer);
- a political candidate or party official;
- a representative of government-owned; and
- an employee of a public organisation.

### 4.4 What does the Law say about Bribery and Corruption?

Bribery is a criminal offence and penalties can be severe. The Bribery Act 2010 not only makes bribery and corruption illegal, but also holds UK companies liable for the acts of their employees and those acting on their behalf if they were to implement adequate procedures to prevent such acts by those working for the company or on its behalf.

### 4.5 What Steps can the Company take to Prevent Bribery and Corruption?

The Company can take the following steps to assist in the prevention of bribery and corruption:

#### 4.5.1 Risk Assessment

Effective risk assessment lies at the very core of the success or failure of this policy. Risk identification pinpoints the specific areas in which the Company faces bribery and corruption risks and allows it to better evaluate and mitigate these risks and thereby protect the Company.

Each Regional Director (or Head Office Head of Department) must assess the vulnerability to these risks to the business area under their control on an ongoing basis, subject to review by the Managing Director or Finance Director.

Note - risk assessment is intended to be an ongoing process with continuous communication between the Regional Director (or Head Office Head of Department), Managing Director or Finance Director.

#### **4.5.2 Accurate Books and Record-Keeping**

Many serious bribery and corruption offences have been found to involve some degree of inaccurate or misleading record-keeping. The Company must ensure that accurate books, records and financial reporting within all our business areas is maintained.

The Company's books, records and overall financial reporting must also be transparent. That is, they must accurately reflect each of the underlying transactions. False, misleading or inaccurate records of any kind could potentially damage the Company.

#### **4.5.3 Effective Monitoring and Internal Control**

The Company must all maintain an effective system of internal control and monitoring of its transactions.

Once bribery and corruption risks have been identified and highlighted via the risk assessment process, procedures can be developed within a comprehensive control and monitoring programme (reviewed on an annual basis) in order to help mitigate these risks on an ongoing basis.

The Managing Director, Regional Directors or Finance Director must ensure that their areas of responsibility engage in effective risk assessment and implement the necessary steps to prevent bribery and corruption.

#### **4.6 Where do the Bribery and Corruption Risks Typically Arise?**

Bribery and corruption risks typically fall within the following categories of gifts, entertainment, hospitality and promotional activities as well as the more obvious issues around direct payment

Gifts, entertainment, hospitality and promotional items include the receipt or offer of gifts, samples, meals or tokens of appreciation and gratitude, or invitations to events, functions, or other social gatherings, in connection with matters related to the Company's business. These activities are acceptable provided they fall within reasonable bounds of value and occurrence.

#### **4.7 How to Evaluate what is 'Acceptable'**

In deciding what is 'acceptable' the employee should consider the following:

- What is the intent – is it to build a relationship or is it something else?
- How would this look if these details were on the front of a newspaper?
- What if the situation were to be reversed – would there be a double standard?

If the employee finds it difficult to answer one of the above questions, there may be a risk involved which could potentially damage the reputation of the Company and its business. The action could well be unlawful.

Although no two situations are the same, the following guidance should be considered globally:

#### **4.7.1 Never Acceptable**

Circumstances which are never permissible include examples that involve:

- a “quid pro quo” (offered for something in return);
- gifts in the form of cash/or cash equivalent vouchers;
- excessive entertainment in the context of the relationship or the value of business done; and
- entertainment of a sexual or similarly inappropriate nature

#### **4.7.2 Usually Acceptable**

Possible circumstances that are usually acceptable include:

- modest/occasional meals with someone with whom the Company does business which are consistent with the value of the relationship;
- occasional attendance at ordinary sports, theatre and other cultural events; and
- gifts of nominal value, such as pens, or small promotional items; and

If an employee feels uncertain at any time regarding cultural acceptability of gifts, entertainment or hospitality, they should consult the Managing Director, Regional Directors or Finance Director.

#### **4.8 Transparency is Key**

Each Regional Director (or Head Office Head of Department) will be required to maintain and monitor a gifts, donations, entertainment and hospitality register. Any form of gift, donation, entertainment or hospitality given, received or offered which meets or exceeds the equivalent of £100 in value must be appropriately recorded in the register and must have prior authorisation from the Managing Director, Regional Directors or Finance Director. They will also have discretion as to whether any entertainment or hospitality received should be treated as annual leave or otherwise.

#### **4.9 Expenses**

All relevant employees should obtain receipts for any payments they make. Their line manager must authorise all expense claims. Line managers are expected to check and sign all expense claims from their employees against receipts. Any items of expenditure that give rise for concern should be fully investigated.

#### **4.10 Donations to Organisations**

The Company will periodically make donations to charities. No employee should make donations to a charity without obtaining prior approval from the Company Secretary.

No donations should be made to charities, political parties or other organisations with the intention of gaining a business advantage.