



		Owner: Hayley Walker	Area: HR
		Prepared by: Norman Seaward	Approved by: Hayley Walker
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PURPOSE:

This document identifies the procedure to be followed when ensuring SMC complies with anti bribery legislation

SCOPE:

The procedure should be followed by anyone requiring guidance on the SMC policy for anti bribery

PREREQUISITES:

Authorisation forms & records

RESPONSIBILITIES:

It is the responsibility of HR & Management Team



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Process

- Section 1 Policy
- Section 2 Anti – Bribery Policy
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- Section 4 Risk assessment Bribery act
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Section 1 Policy

Anti- Bribery Statement

SMC Pneumatics (UK) Ltd “The Company” is committed to applying the highest standards of ethical conduct and integrity in its business activities in the UK and overseas. Every employee and individual acting on the Company’s behalf is responsible for maintaining the organisation's reputation and for conducting company business honestly and professionally.

The Company considers that bribery and corruption has a detrimental impact on business by undermining good governance and distorting free markets.

The Company benefits from carrying out business in a transparent and ethical way and helping to ensure that there is honest, open and fair competition. Where there is a level playing field, the organisation can lead the market through innovation and by delivering excellent products and service to its customers.

Transparent, fair conduct helps to foster deeper relationships of trust between the Company and its business partners and customers. It is vital for the Company's reputation and future growth.

The Company does not tolerate any form of bribery, whether direct or indirect, by, or of, its employees, officers, agents or consultants or any persons or companies acting for it or on its behalf. The board and senior management are committed to implementing and



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enforcing effective systems throughout the organisation to prevent, monitor and eliminate bribery, in accordance with the Bribery Act 2010.

The organisation has issued a new anti-bribery policy outlining the Company's position on preventing and prohibiting bribery. The anti-bribery policy applies to all employees, as well as agency workers, consultants and contractors both in the UK and overseas. All employees and other individuals acting for the Company are required to familiarise themselves and comply with the Company's anti-bribery policy with immediate effect.

A bribe is a financial advantage or other reward that is offered to, given to, or received by an individual or company (whether directly or indirectly) to induce or influence that individual or company to perform public or corporate functions or duties improperly.

Employees and others acting for or on behalf of the organisation are strictly prohibited from making, soliciting or receiving any bribes or unauthorised payments.

As part of its anti-bribery measures, the company is committed to transparent, proportionate, reasonable and bona fide hospitality and promotional expenditure. Such expenditure must be authorised in advance, in accordance with the procedures set out in the organisation's anti-bribery policy.

A breach of the Company's anti-bribery policy by an employee will be treated as grounds for disciplinary action, which may result in a finding of gross misconduct, and immediate dismissal. Employees and other individuals acting for the Company should note that bribery is a criminal offence that may result in up to 10 years' imprisonment and/or an unlimited fine for the individual and an unlimited fine for the Company.

The organisation will not conduct business with service providers, agents or representatives that do not support the Company's anti-bribery objectives. The Company reserves the right to terminate its contractual arrangements with any third parties acting for, or on behalf of, the Company with immediate effect where there is evidence that they have committed acts of bribery.

The success of the Company's anti-bribery measures depends on all employees, and those acting for the organisation, playing their part in helping to detect and eradicate bribery. Therefore, all employees and others acting for, or on behalf of, the Company



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are encouraged to report any suspected bribery in accordance with the procedures set out in the anti-bribery policy. The organisation will support any individuals who make such a report, provided that it is made in good faith.

Section 2 Anti – Bribery Policy

Introduction

SMC Pneumatics (UK) Ltd “The Company” is committed to the highest standards of ethical conduct and integrity in its business activities in the UK and overseas. This policy outlines the Company’s position on preventing and prohibiting bribery, in accordance with the Bribery Act 2010. The Company will not tolerate any form of bribery by, or of, its employees, agents or consultants or any person or body acting on its behalf. Senior management is committed to implementing effective measures to prevent, monitor and eliminate bribery.

Scope of this policy

This policy applies to all employees and officers of the Company, and to temporary workers, consultants, contractors, agents and subsidiaries acting for, or on behalf of, the Company (“associated persons”) within the UK and overseas. Every employee and associated person acting for, or on behalf of, the Company 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 the Company.

The Company may also face criminal liability for unlawful actions taken by its employees or associated persons under the Bribery Act 2010. All employees and associated persons are required to familiarise themselves and comply with this policy, including any future updates that may be issued from time to time by the Company.

The Bribery Act 2010 is in force from 1 July 2011. This policy covers:

- The main areas of liability under the Bribery Act 2010;



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- The responsibilities of employees and associated persons acting for, or on behalf of, the Company; and
- The consequences of any breaches of this policy.

Bribery Act 2010

The Company is committed to complying with the Bribery Act 2010 in its business activities in the UK and overseas.

Under the Bribery Act 2010, a bribe is a financial or other type of advantage that is offered or requested with the:

- Intention of inducing or rewarding improper performance of a function or activity; or
- Knowledge or belief that accepting such a reward would constitute the improper performance of such a function or activity.

A relevant function or activity includes public, state or business activities or any activity performed in the course of a person's employment, or on behalf of another company or individual, where the person performing that activity is expected to perform it in good faith, impartially, or in accordance with a position of trust.

A criminal offence will be committed under the Bribery Act 2010 if:

- An employee or associated person acting for, or on behalf of, the Company offers, promises, gives, requests, receives or agrees to receive bribes; or
- An employee or associated person acting for, or on behalf of, the Company offers, promises or gives a bribe to a foreign public official with the intention of influencing that official in the performance of his/her duties (where local law does not permit or require such influence); and
- The Company does not have the defence that it has adequate procedures in place to prevent bribery by its employees or associated persons.

All employees and associated persons are required to comply with this policy, in accordance with the Bribery Act 2010.



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What is prohibited?

The Company prohibits employees or associated persons from offering, promising, giving, soliciting or accepting any bribe. The bribe might be cash, a gift or other inducement to, or from, any person or company, whether a public or government official, official of a state-controlled industry, political party or a private person or company, regardless of whether the employee or associated person is situated in the UK or overseas. The bribe might be made to ensure that a person or company improperly performs duties or functions (for example, by not acting impartially or in good faith or in accordance with their position of trust) to gain any commercial, contractual or regulatory advantage for the Company in either obtaining or maintaining Company business, or to gain any personal advantage, financial or otherwise, for the individual or anyone connected with the individual.

This prohibition also applies to indirect contributions, payments or gifts made in any manner as an inducement or reward for improper performance, for example through consultants, contractors or sub-contractors, agents or sub-agents, sponsors or sub-sponsors, joint-venture partners, advisors, customers, suppliers or other third parties.

Records

Employees and, where applicable, associated persons, are required to take particular care to ensure that all company records are accurately maintained in relation to any contracts or business activities, including financial invoices and all payment transactions with clients, suppliers and public officials.

Due diligence should be undertaken by employees and associated persons prior to entering into any contract, arrangement or relationship with a potential supplier of services, agent, consultant or representative in accordance with the Company's procurement procedures.

Employees and associated persons are required to keep accurate, detailed and up-to-date records of all corporate hospitality, entertainment or gifts accepted or offered.

Working overseas



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Principle

Employees and associated persons conducting business on behalf of the Company outside the UK may be at greater risk of being exposed to bribery or unethical business conduct than UK-based employees. Employees and associated persons owe a duty to the Company to be extra vigilant when conducting international business.

Procedure

Employees and associated persons are required to cooperate with the Company's risk management procedures and to report suspicions of bribery the line manager or the HR Department. While any suspicious circumstances should be reported, employees and associated persons are required particularly to report:

- Close family, personal or business ties that a prospective agent, representative or joint-venture partner may have with government or corporate officials, directors or employees;
- A history of corruption in the country in which the business is being undertaken;
- Requests for cash payments;
- Requests for unusual payment arrangements, for example via a third party;
- Requests for reimbursements of unsubstantiated or unusual expenses; or
- A lack of standard invoices and proper financial practices.

If an employee or associated person is in any doubt as to whether or not a potential act constitutes bribery, the matter should be referred to their line manager.

Facilitation payments

Principle

The Company prohibits its employees or associated persons from making or accepting any facilitation payments. These are payments made to government officials for carrying out or speeding up routine procedures. They are more common overseas. Facilitation payments are distinct from an official, publicly available fast-track process. Facilitation payments, or offers of such payments, will constitute a criminal offence by both the individual concerned and the Company under the Bribery Act 2010, even where such



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payments are made or requested overseas. Employees and associated persons are required to act with greater vigilance when dealing with government procedures overseas.

Procedure

Where a public official has requested a payment, employees or associated persons should ask for further details of the purpose and nature of the payment in writing. If the public official refuses to give these, this should be reported immediately to the line manager.

If the public official provides written details, the line manager will consider the nature of the payment. Local legal advice may be sought by the Company.

If it is concluded that the payment is a legitimate fee, for example part of a genuine fast-track process, or is permitted locally, the Company will authorise the employee to make the payment.

Where the line manager considers that the request is for a facilitation payment, the employee or associated person will be instructed to refuse to make the payment and notify the public official that the employee or associated person is required to report the matter to the Company and the UK embassy.

The Company will seek the assistance of the relevant employee in its investigation and may determine that the matter should be referred to the prosecution authorities.

If an employee or associated person has any other concerns about the nature of a request for payment, he/she should report it to the line manager using the reporting procedure set out in this policy and in accordance with the Company's whistleblowing policy.

Corporate entertainment, gifts, hospitality and promotional expenditure

Principle



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The Company permits corporate entertainment, gifts, hospitality and promotional expenditure that is undertaken:

- For the purpose of establishing or maintaining good business relationships;
- To improve the image and reputation of the Company; or
- To present the Company's goods/services effectively;

Provided that it is:

- Arranged in good faith, and
- Not offered, promised or accepted to secure an advantage for the Company or any of its employees or associated persons or to influence the impartiality of the recipient.

The Company will authorise only reasonable, appropriate and proportionate entertainment and promotional expenditure.

This principle applies to employees and associated persons, whether based in the UK or overseas. However, those with remits overseas will be given further training on the specific procedures that they are required to follow.

Procedure

Employees and, where relevant, associated persons should submit requests for proposed hospitality and promotional expenditure well in advance of proposed dates to a their Line Manager.

Employees are required to set out in writing:

- The objective of the proposed client entertainment or expenditure;
- The identity of those who will be attending;
- The organisation that they represent; and
- Details and rationale of the proposed activity.

The Company will approve business entertainment proposals only if they demonstrate a clear business objective and are appropriate for the nature of the business relationship.



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The Company will not approve business entertainment where it considers that a conflict of interest may arise or where it could be perceived that undue influence or a particular business benefit was being sought (for example, prior to a tendering exercise).

Any gifts, rewards or entertainment received or offered from clients, public officials, suppliers or other business contacts should be reported immediately to the line manager. In certain circumstances, it may not be appropriate to retain such gifts or be provided with the entertainment and employees and associated persons may be asked to return the gifts to the sender or refuse the entertainment, for example, where there could be a real or perceived conflict of interest. As a general rule, small tokens of appreciation, such as flowers or a bottle of wine, may be retained by employees.

Also see “Gifts Policy”

Charitable and political donations

The Company considers that charitable giving can form part of its wider commitment and responsibility to the community. The Company supports a number of charities that are selected in accordance with objective criteria, following a risk assessment. The Company may also support fundraising events involving employees.

What practices are permitted?

This policy does not prohibit:

- Normal and appropriate hospitality and entertainment with clients; and
- The use of any recognised fast-track process that is publicly available on payment of a fee.

Any such practices must be proportionate, reasonable and made in good faith. Clear records must be kept.

Risk management

Principle



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The Company has established detailed risk management procedures to prevent, detect and prohibit bribery. The Company will conduct risk assessments for each of its key business activities on a regular basis and, where relevant, will identify employees or officers of the Company who are in positions where they may be exposed to bribery.

Procedure

The Company will identify high-risk areas, for example projects undertaken in high-risk countries, tenders for work and those working on high-value projects.

The Company will:

- Regularly monitor "at risk" employees and associated persons;
- Regularly communicate with "at risk" employees and associated persons;
- Undertake extensive due diligence of third parties and associated persons; and
- Communicate its zero-tolerance approach to bribery to third parties, including actual and prospective customers, suppliers and joint-venture partners.

Reporting suspected bribery

Principle

The Company depends on its employees and associated persons to ensure that the highest standards of ethical conduct are maintained in all its business dealings. Employees and associated persons are requested to assist the Company and to remain vigilant in preventing, detecting and reporting bribery.

Employees and associated persons are encouraged to report any concerns that they may have to the line manager as soon as possible. Issues that should be reported include:

- Any suspected or actual attempts at bribery;
- Concerns that other employees or associated persons may be being bribed; or
- Concerns that other employees or associated persons may be bribing third parties, such as clients or government officials.



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Procedure

A form is available on the Hydride in the HR Folder or from the HR Department to allow employees to record any incidents of suspected bribery. Any such reports will be thoroughly and promptly investigated by the HR Department in the strictest confidence. Employees and associated persons will be required to assist in any investigation into possible or suspected bribery.

Employees will also be required to comply with the Company's Whistleblowing Policy.

Employees or associated persons who report instances of bribery in good faith will be supported by the Company. The Company will ensure that the individual is not subjected to detrimental treatment as a consequence of his/her report. Any instances of detrimental treatment by a fellow employee because an employee has made a report will be treated as a disciplinary offence. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees and associated persons should not agree to remain silent. They should report the matter to the HR Department.

Action by the Company

The Company will fully investigate any instances of alleged or suspected bribery. Employees suspected of bribery may be suspended from their duties while the investigation is being carried out. The Company will invoke its disciplinary procedures where any employee is suspected of bribery, and proven allegations may result in a finding of gross misconduct and immediate dismissal. The Company may terminate the contracts of any associated persons, including consultants or other workers who act for, or on behalf of, the Company who are found to have breached this policy.

The Company 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. The Company will provide all necessary assistance to the relevant authorities in any subsequent prosecution.

Review of procedures and training



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The Company will regularly communicate its anti-bribery measures to employees and associated persons. The Company will set up training sessions where applicable.

Managers of the Company will monitor and review the implementation of this policy and related procedures on a regular basis, including reviews of internal financial systems, expenses, corporate hospitality, gifts and entertainment policies.

Employees and those working for, or on behalf of, the Company are encouraged to contact the HR Department with any suggestions, comments or feedback that they may have on how these procedures may be improved.

The Company reserves the right to amend and update this policy as required. For the avoidance of doubt, this policy does not form part of employees' contracts of employment.

Section 3 Gift policy

Introduction

In general, SMC Pneumatics (UK) Ltd "The Company" does not believe that it is appropriate for employees to accept gifts from customers, suppliers or any other person or organisation with which the organisation has (or might have) business connections. This is because it is important to ensure that no employee acts in any way that is inconsistent with the Company's objectives or with the integrity of the business by accepting a gift in circumstances where it could influence, or be seen to influence, that employee's business actions or decisions. All gifts requiring approval will be recorded on the Gift Approval Form QCP1309 appendix A and on completion, whatever the result the form will be passed to HR by the Line Manager for filing.

Receipt of gifts - disclosure

Any employee who receives a gift of any kind from an existing or potential business contact must disclose the fact of the gift, its nature and the identity of the sender to his/her line manager. If the gift is anything other than a small token of appreciation having no substantial financial value, the employee will be required to return the gift to



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the sender with a polite note thanking him/her and explaining that it is the Company's policy that employees should not receive gifts.

If, in the opinion of the line manager, the gift might constitute a bribe or other inducement, the employee will be asked to pass the gift to their Line Manager, who will return it to the sender with a suitable letter explaining the Company's policy and asking that it be respected in the future.

In cases where the employee's line manager agrees that the gift was sent to the employee as a token of gratitude for work carried out to a particularly high standard or for an exceptional level of service given, the employee may, at the line manager's discretion, be permitted to retain the gift. Thus small gifts that are genuinely given as a token of appreciation or gratitude will be acceptable, provided that the employee properly declares the gift in line with this policy and provided that the employee does not subsequently treat the person who sent the gift more favourably than other customers/suppliers, etc.

This policy does not apply to promotional gifts, i.e. items such as stationery or pens that bear the logo or organisation's name of another organisation, provided that these have no significant value. However, since it is likely that such gifts will be received by only a limited number of employees, they should be shared amongst other members of staff where appropriate.

Purpose

Any breach of the policy will be regarded as misconduct, leading to disciplinary action up to and including summary dismissal.

Section 4 Risk assessment Bribery act to be reviewed by the HR Manager every 24 Months, copy to be kept in HR

Bribery risk assessment

For each question, please choose from the following alternatives and insert the



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appropriate number in the right-hand column:

1 = low risk, 2 = some risk, 3 = medium risk, 4 = high risk, 5 = very high risk

1. Country risk

1.1	Does the organisation operate mostly in the UK? If yes, give low score.	1
1.2	Does the organisation operate mostly in the UK, Europe, and US? If yes, give low score.	1
1.3	Does the country in which the organisation operates, or will operate, have perceived high levels of corruption? (Please refer to Transparency International for objective, detailed assessments.) If yes, give high score.	1
1.4	Has the organisation recently acquired or merged with any organisations in countries with perceived high levels of corruption? (Please refer to Transparency International for objective, detailed assessments.) If yes, give high score.	1
1.5	Does the country in which activity is taking place or is proposed have effectively implemented anti-bribery legislation? If yes, give low score.	1
1.6	Does the country in which activity is taking place or is proposed have effective procurement and investment policies by the local government and agencies? If yes, give low score.	1

2. Sectoral risk

2.1	<p>Is the proposed activity within an industry sector at risk of bribery practices? For example:</p> <ul style="list-style-type: none"> • Large-scale infrastructure such as transport or public projects; • Oil/gas/mining industries; or 	1
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	<ul style="list-style-type: none"> Construction/property development. <p>If yes, give high score.</p>	
3. Transaction risk		
3.1	Does the transaction involve charitable donations? If yes, give high score.	1
3.2	Does the transaction involve political donations? If yes, give high score.	1
3.3	Does the transaction involve licences, permits and transactions relating to public procurement, which brings employees and others into frequent contact with public officials? If yes, give high score.	1
4. Opportunity risk		
4.1	Does the project involve a number of contractors and intermediaries? If yes, give high score.	1
4.2	Does the project involve below-market prices? If yes, give high score.	1
4.3	Does the project involve a tendering exercise? If yes, give high score.	2
5. Partnership risk		
5.1	Will the proposed activity involve the potential use of intermediaries in transactions with foreign public officials? If yes, give high score.	1
5.2	Is there a risk of relationships with politically sensitive persons where the proposed relationship involves or is linked to prominent public officials? If yes, give high score.	1
6. Perceived pressure at work		



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6.1	<p>How many employees does the organisation employ? Score:</p> <ul style="list-style-type: none"> • One point for one to five employees; • Two points for six to 30 employees; • Three points for 31 to 99 employees; • Four points for 100 to 499 employees; and • Five points for 500 or more employees. 	4
6.2	<p>What is the organisation's turnover? Score:</p> <ul style="list-style-type: none"> • One point for up to £100,000; • Two points for up to £250,000; • Three points for up to £500,000; • Four points for up to £1m; and • Five points for more than £1m. 	5
6.3	Is there a robust and clear anti-bribery policy in place within the organisation? If no, give high score.	1
6.4	Has the organisation's anti-bribery policy been communicated at all levels? If no, give high score.	1
6.5	Is there a board member or senior manager appointed to take responsibility for all anti-bribery measures within the organisation? If no, give high score.	1 (Kevin O'Carroll)
6.6	Are there robust internal financial controls in place to monitor all payments and transactions? If no, give high score.	1
6.7	Are there clear policies in place in relation to hospitality, entertainment, promotional expenditure and expenses? If no, give high score.	1
Total score (out of a possible 110)		



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For each question, please choose from the following alternatives and insert the appropriate number in the right-hand column:

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1. Country risk

1.1	Does the organisation operate mostly in the UK? If yes, give low score.	1
1.2	Does the organisation operate mostly in the UK, Europe, and US? If yes, give low score.	1
1.3	Does the country in which the organisation operates, or will operate, have perceived high levels of corruption? (Please refer to Transparency International for objective, detailed assessments.) If yes, give high score.	1
1.4	Has the organisation recently acquired or merged with any organisations in countries with perceived high levels of corruption? (Please refer to Transparency International for objective, detailed assessments.) If yes, give high score.	1
1.5	Does the country in which activity is taking place or is proposed have effectively implemented anti-bribery legislation? If yes, give low score.	1
1.6	Does the country in which activity is taking place or is proposed have effective procurement and investment policies by the local government and agencies? If yes, give low score.	1



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2. Sectoral risk		
2.1	Is the proposed activity within an industry sector at risk of bribery practices? For example:	1
	Large-scale infrastructure such as transport or public projects;	
	Oil/gas/mining industries; or	
	Construction/property development.	
	If yes, give high score.	
3. Transaction risk		
3.1	Does the transaction involve charitable donations? If yes, give high score.	1
3.2	Does the transaction involve political donations? If yes, give high score.	1
3.3	Does the transaction involve licences, permits and transactions relating to public procurement, which brings employees and others into frequent contact with public officials? If yes, give high score.	1
4. Opportunity risk		
4.1	Does the project involve a number of contractors and intermediaries? If yes, give high score.	1
4.2	Does the project involve below-market prices? If yes, give high score.	1
4.3	Does the project involve a tendering exercise? If yes, give high score.	2



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5.1	Will the proposed activity involve the potential use of intermediaries in transactions with foreign public officials? If yes, give high score.	1
5.2	Is there a risk of relationships with politically sensitive persons where the proposed relationship involves or is linked to prominent public officials? If yes, give high score.	1
6. Perceived pressure at work		
6.1	How many employees does the organisation employ? Score:	4
	One point for one to five employees;	
	Two points for six to 30 employees;	
	Three points for 31 to 99 employees;	
	Four points for 100 to 499 employees; and	
	Five points for 500 or more employees.	
6.2	What is the organisation's turnover? Score:	5
	One point for up to £100,000;	
	Two points for up to £250,000;	
	Three points for up to £500,000;	
	Four points for up to £1m; and	
	Five points for more than £1m.	
6.3	Is there a robust and clear anti-bribery policy in place within the organisation? If no, give high score.	1
6.4	Has the organisation's anti-bribery policy been communicated at all levels? If no, give high score.	1
6.5	Is there a board member or senior manager appointed to take responsibility for all anti-bribery measures within the organisation? If no, give high score.	1 (Kevin O'Carroll)



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6.6	Are there robust internal financial controls in place to monitor all payments and transactions? If no, give high score.	1
6.7	Are there clear policies in place in relation to hospitality, entertainment, promotional expenditure and expenses? If no, give high score.	1
Total score (out of a possible 110)		
<u>Scoring assessment</u>		

<p>A score of 67 to 110 indicates a high risk of bribery. Immediate steps need to be taken to counter the high risk and probability of bribery occurring. In certain cases, it may be necessary to stop certain operations or transactions occurring. [Name of individual/the line manager/the compliance officer] will need to take urgent action in relation to specific high-risk areas identified above.</p>
<p>A score of 45 to 66 indicates a medium risk of bribery. A full anti-bribery policy needs to be in place and training rolled out at all levels. Such training should be given to employees and associated persons, including agents, consultants, and temporary workers, working on behalf of the organisation, in the UK and overseas. Leadership is required from the board to ensure full engagement and compliance. The organisation should ensure that clear reporting mechanisms are in place so that suspected bribery may be immediately dealt with. Specific high-risk areas identified above should be dealt with at the highest levels, preferably by board members as an urgent priority.</p>
<p>A score of 22 to 44 indicates a low risk of bribery. Where there is a low risk on the basis of the risk factors identified above, steps will be taken to ensure that there are adequate procedures in place to counter bribery. This may include a written policy that is available to all employees and associated persons working on behalf of the organisation and regular audits of key financial processes, including expenses and hospitality. The organisation should keep its risk assessment under review and take appropriate steps should a bribery risk emerge.</p>



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DEFINITIONS:

None

REVISION HISTORY						
Revision No.	Date	Pages	Reason for revision	Prepared	Checked	Approved
1.0	3/12/2015	22	Revised for Entropy	Norman Seaward	Hayley Walker	Hayley Walker