

## **ANTI-BRIBERY AND ANTI-CORRUPTION POLICY**

### **THE FIRM'S COMMITMENT**

#### **General commitment**

Pothechary Witham Weld ("the Firm") is committed to conducting all of its business in an honest and ethical manner and takes a zero-tolerance approach to bribery and corruption.

The Firm is committed to acting professionally, fairly and with integrity in all our business dealings and relationships.

#### **Regulation and legislation**

In developing and implementing its anti-bribery and anti-corruption policy, the Firm is committed to complying with the SRA Handbook, the relevant provisions of the Bribery Act 2010 and with all current and any future legislation and associated codes of practice.

#### **Application and purpose of this Policy**

This policy applies to all partners and staff (whether permanent, fixed-term or temporary) or any other person associated with us.

The purpose of this policy is to set out our responsibilities and the responsibilities of those working for us, in observing and upholding our position on bribery and corruption and provide information and guidance to those working for us on how to recognise and deal with bribery and corruption issues.

#### **WHAT IS BRIBERY?**

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

#### **GIFTS AND HOSPITALITY**

This policy does not preclude normal and appropriate hospitality (given and received) to or from third parties.

The giving and receipt of gifts is not prohibited in the following circumstances:-

- it is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for benefits;
- it complies with local law;
- it is given in the name of the Firm;
- it does not include cash, gift certificates, vouchers or similar;
- it is appropriate in the circumstances (e.g. a small gift at Christmas);
- it is of an appropriate type and value taking into account the reason for the gift; and
- it is given openly.

In all circumstances, the gift or hospitality should be reasonable and justifiable and the intention behind the gift should always be considered.

This policy does not preclude the receipt of gifts from clients as an expression of appreciation for the service provided. You are permitted to accept such gifts as long as you are satisfied that they are

proportionate and reasonable in the circumstances. Any concerns you have must be discussed with Ajmal Hussain. Gifts of a value in excess of £20 must be disclosed to Ajmal Hussain.

Any gifts received from suppliers must always be disclosed to Ajmal Hussain.

### **WHAT IS CONTRARY TO THE POLICY?**

The following is a non-exhaustive list of what it is not acceptable for you (or someone on your behalf or on behalf of the Firm) to do:-

- give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return;
- threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy;
- offer legal services to a client or instructing officer on a personal basis (eg residential conveyancing or preparation of a will) at a reduced rate or at no cost (pro bono) with the expectation that it will obtain a business advantage; or
- engage in any activity that might lead to a breach of this policy.

### **YOUR RESPONSIBILITIES**

You must:-

- read, understand and comply with this Policy;
- avoid any activity that might lead to or suggest a breach of this Policy;
- notify Ajmal Hussain as soon as possible if you believe a breach of this Policy has occurred;
- be aware and note that any person who breaches this Policy will face disciplinary action, which could result in dismissal for gross misconduct;
- declare and keep a written record of all hospitality or gifts accepted or offered;
- ensure that all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in the proper manner and should specifically record the reason for the expenditure
- ensure that all accounts, invoices, memoranda and other documents and records relating to your dealings with third parties, such as clients, suppliers and business contacts are prepared and maintained with total accuracy and completeness. There must be no accounts etc kept "off the record";
- raise any concerns about any issue or suspicion you may have at the earliest opportunity;
- tell Ajmal Hussain as soon as possible if you are offered a bribe or become a victim of bribery or corruption or believe you may be about to become a victim.

### **RECORD-KEEPING**

The Firm must keep financial records and have appropriate internal controls in place which will evidence the business reasons for making payments to third parties.

### **PROTECTION**

The Firm encourages openness and will support anyone who raises, in good faith, genuine concerns under this Policy even if they turn out to be mistaken.

The Firm is committed to ensuring no one suffers 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.

Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the compliance manager immediately. If the matter is not remedied, and you are an employee, you should raise it formally.

## **TRAINING PLAN**

The Firm will identify needs and draw up a plan to address these as appropriate to their responsibilities. The plan will include details of the sort of training that will be provided, who will be trained, when training will be provided and who is responsible for ensuring that training is delivered. You will be informed of this policy and training plan.

## **IMPLEMENTING THE POLICY**

### **Responsibility**

Ultimate responsibility for implementing the policy rests with the Partners. The Staff Partner has overall responsibility for implementing the policy.

This policy is not part of any contract of employment or partnership agreement and may be changed at any time. Notwithstanding the aforesaid, it is a requirement of the Firm that all employees and Partners comply with this policy.

### **Publication of this policy**

Every member of the Firm will receive a copy of this policy and it will be available on request to any client and to the Solicitors' Regulation Authority. A copy of the policy will be included in the Firm's website.

### **Monitoring and review**

The policy will be monitored and reviewed annually by the Staff Partner and Managing Partner to measure its progress and judge its effectiveness.