

# Anti Bribery and Corruption Policy

## **Introduction**

One of the Company's core values is to uphold the responsible and fair business practice. It is committed to promoting and maintaining the highest level of ethical standards in relation to all of its business activities. Its reputation for maintaining lawful business practices is of paramount importance and this Policy is designed to preserve these values. The Company, therefore, has a zero-tolerance policy towards bribery and corruption and is committed to acting fairly and with integrity in all of its business dealings/relationships and to implementing and enforcing effective systems to counter bribery.

This Policy sets out the steps all of us must take to prevent bribery and corruption in our business and to comply with relevant legislation.

## **The UK Bribery Act**

Under the UK Bribery Act, it is an offence for a person to offer, promise or give money, gifts or anything of value to another person, or to request or receive the same from another person, as an inducement or reward for performing a function improperly or where the acceptance or receipt would itself be improper.

Any form of gift, consideration, reward or advantage can constitute a bribe – it need not be an offer of money. This general law criminalises the offering of bribes to persons in both the public and private sector, i.e. it is not confined to the corruption of government officials.

The Act also contains a specific offence for the bribing of foreign public officials (see further below for examples of public officials). A prosecutor does not need to show 'impropriety', only that it was the offender's intention to influence the public official in order to obtain or retain business or a business advantage.

The Bribery Act applies to any offences taking place in the UK, but also to offences taking place wholly outside the UK where they are committed by British citizens, UK residents or bodies incorporated in the UK, even in some cases where they are customary locally or permitted under local law.

The Act also introduces a new corporate offence which imposes criminal liability on any company incorporated in the UK or which carries on part of its business in the UK (including, for example, a foreign corporation with only a branch office in the UK) for failure to prevent bribery by anyone providing services for or on behalf of the company. This may include employees, agents, representatives, intermediaries, subsidiaries and joint ventures.

A company will not be guilty of the corporate offence if it can demonstrate that it has 'adequate procedures' in place to prevent such persons and entities from committing bribery. This Anti-bribery Policy forms part of Swann Recruitment Ltd "adequate procedures".

Individuals who commit bribery can be subject to up to ten years imprisonment and/or unlimited fines. Companies that commit an offence may also face significant fines, confiscation of the benefits of any tainted contract and debarment from tendering for public procurement work and other government contracts.

## **Policy statement**

All Relevant Persons and Associated Persons are required at all times:

Date 12 May 2021

- not to commit an offence listed above at section 4 or any other offence;
- to comply with the Bribery Act and any other anti-bribery and anti-corruption legislation that applies in any jurisdiction in any part of the world in which they or the Company might conduct business];
- to act honestly, responsibly and with integrity;
- to safeguard and uphold the Company's core values by operating in an ethical, professional and lawful manner at all times.

Bribery of any kind is strictly prohibited. Under no circumstances should any provision be made, money set aside or accounts created for the purposes of facilitating the payment or receipt of a Bribe.

Swann Recruitment Ltd recognises that industry practices may vary from country to country or from culture to culture. What is considered unacceptable in one place may be normal or usual practise in another. You should seek appropriate guidance from a director of the Company.

All Relevant Persons and all Associated Persons are expected to adhere strictly at all times to the guidelines set out in this Policy.

### **What is bribery?**

Bribery usually involves giving or offering money, a gift or something else of value to someone in business or government in order to obtain or retain a commercial advantage or to induce or reward the recipient for acting improperly or where it would be improper for the recipient to accept the benefit.

Bribery can also take place where the offer or giving of a bribe is made by or through a third party, i.e. an agent, representative or intermediary. Both the giving and receiving of bribes is prohibited in most jurisdictions.

Bribes often involve monetary payments (or the promise of payments) but can include other benefits or advantages.

For example, bribes could include:

- lavish gifts, entertainment or travel expenses, particularly where they are disproportionate, frequent or provided in the context of ongoing business negotiations;
- cash payments by employees or third persons such as consortium members, introducers or consultants;
- the uncompensated use of company services, facilities or property;
- loans, loan guarantees or other extensions of credit;
- providing a subcontract to a person connected to someone involved in awarding the main contract;
- engaging a local company owned by or offering an educational scholarship to a member of the family of a potential customer/public or government official;
- political or charitable donations made to a third party linked to, or at the request of, someone with whom Swann Recruitment Ltd Ltd does business; and

Benefits such as the provision of an internship or work experience, whether paid or unpaid.

### **Gifts and Hospitality**

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Swann Recruitment Ltd forbids any Relevant Person from soliciting any gift or hospitality in the course of his/her employment or engagement with the Company.

Swann Recruitment Ltd forbids any officer, employee, temporary worker or contractor of the Company from offering or receiving any gift or hospitality which is in breach of the relevant law.

Swann Recruitment Ltd forbids any Relevant Person either directly or indirectly from making an offer of, or making a donation to any political, charitable or not for profit organisation in the course of his/her employment or engagement with the Company.

If it is with a corporate entity, for the duration of any contract between that corporate entity and the Company, as a way to obtain an advantage in a business transaction.

### **Facilitation payments**

Any payment or gift to a public official or other person to secure or accelerate the prompt or proper performance of a routine government procedure or process, otherwise known as a “facilitation payment”, is also strictly prohibited.

Facilitation payments are not commonly paid in the UK but they are common in some other jurisdictions.

### **Charitable donations**

Bribes may even be disguised as charitable donations. Whilst individuals may of course make personal donations to charity, they should not do so on behalf of the Company without prior approval from the Director.

### **Record keeping**

All accounts, receipts, invoices and other documents and records relating to dealings with third parties must be prepared

### **Monitoring compliance**

Every employee is responsible for compliance with this policy. Ultimate responsibility for the policy is by the Managing Director, Theresa Swann. Adherence to the policy will be subject to regular review by internal audit and Swann Recruitment Ltd will provide regular training for relevant employees regarding this policy and general compliance with anti-bribery obligations. All new employees whose day-to-day activities may be affected by this policy will receive appropriate training within a reasonable time after commencing employment and will acknowledge that they have received a copy of this policy and will comply with the policy and all associated laws and procedures.

### **Safeguarding**

Swann Recruitment Ltd will keep any disclosure confidential during any investigation it undertakes to the extent that this is practical and appropriate in the circumstances.

The Company will support anyone who raises genuine concerns in good faith under this Policy, even if they turn out to be mistaken. The Company is also committed to ensuring nobody 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 corruption offence has taken place or may take place in the future or because they may assist in the investigation of an allegation of Bribery or corruption.

### **Sanctions for breach of this Policy**

A breach of any of the provisions of this Policy by any Relevant Person who is an officer or employee of the Company will constitute a disciplinary offence and will be dealt with in accordance with the Company's disciplinary procedure. Depending on the gravity of the offence, it may be treated as gross misconduct and could render the officer or employee liable to summary dismissal.

Breach of this policy by any Relevant Person who is a temporary worker, contractor or consultant providing his/ her services to the Company may lead to the immediate termination of that temporary worker's, contractor's or consultant's engagement by the Company.

Breach of this policy by any Relevant Person which is a corporate entity could lead to the suspension or termination of any relevant contract, sub-contract or other agreement between the corporate entity and the Company.

Swann Recruitment Ltd understand their duties and responsibilities under this Policy. The Company's zero-tolerance approach to Bribery will also be communicated to all business partners at the outset of the business relationship with them and as appropriate thereafter.

Managing Director: Theresa Swann