

Anti-Bribery Policy

Commitment to anti-bribery

The Bribery Act 2010 came into force on 1 July 2011.

It is the Firm's policy to comply with the Act and to conduct its business in an honest and ethical manner, avoiding any appearance of impropriety or improper inducement to unfairly gain a business advantage. The Firm takes a zero-tolerance approach to bribery and corruption and is committed to operating and implementing effective systems to counter all forms of bribery. The COLP and COFA have overall responsibility for overseeing the Firm's anti-bribery procedures and for reviewing them on a regular basis.

Purpose of this policy

The purpose of this policy is to:

1. set out our responsibilities as a Firm and the responsibilities of all members of the Firm, including partners, consultants, lawyers and all other staff, in complying with the Bribery Act 2010 and in observing and upholding the Firm's policies and procedures on bribery and corruption; and
2. provide information and guidance on how to recognise and deal with bribery.

The Bribery Act 2010 covers a wide range of activities. Any form of corporate hospitality, or gifts, either given or received by the Firm could be regarded as bribery. The maximum penalty imposable for bribery and corruption is an unlimited fine, and/or up to 10 years' imprisonment. Any conviction or, indeed, allegations of bribery, could also be very damaging to the reputation of the Firm, hence compliance with the policy and all internal reporting requirements is essential.

This policy forms part of your contract of employment.

What is bribery?

A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual or personal advantage. It must be intended to induce or reward the improper performance of a function or activity.

A bribe could be made to, or received by, any individual or organisation you come into contact with during the course of your work, for example: actual and/or potential clients, business contacts, agents, advisers and government and/or public bodies.

The Bribery Act 2010 sets out three main offences. These are:

- (a) giving a bribe to induce or reward a person to perform a relevant function improperly;
- (b) requesting, accepting or receiving a bribe as a reward for performing a relevant function improperly;



- (c) using a bribe to influence a foreign public official to gain a business advantage.

A relevant function is any function of a public nature, any activity connected with a business, trade or profession, any activity carried out in the course of employment, or any activity carried out on behalf of a body of persons. Improper performance of a relevant function would be a failure to perform it in line with one or more of the following relevant expectations:

- it will be performed in good faith;
- it will be performed with impartiality;
- that by virtue of performing the activity, the person doing so is in a position of trust.

The Bribery Act 2010 also recognises the existence of an additional, corporate offence whereby commercial organisations, and their employees and/or contractors, agents etc., commit bribery to gain or retain a business advantage. However, it is a defence, in this case, for the organisation to have in place 'adequate procedures' to prevent bribery.

Who is covered by the policy?

This policy applies to everyone working at Forsters, including solicitors, consultants, partners, trainees and support staff. It also extends to any other person associated with Forsters who carries out work on our behalf, including agents.

If your work involves liaising with agents (rather than the client direct), you will need to consider whether (either in an engagement letter or at another stage) you notify the agent of the Firm's anti bribery policy and whether you require a reciprocal commitment to anti bribery from the agent.

Gifts and Hospitality

The provision of gifts and hospitality are an accepted part of doing business and are not unlawful. It remains an established and important part of networking with our clients and contacts that we continue to invite them to Firm events and accept hospitality offered where appropriate.

Gifts, hospitality and political or charitable donations, when given or received, may, however, constitute a bribe in certain circumstances. You will need to identify when those circumstances arise.

By way of guidance, the giving or receiving of gifts and hospitality is not prohibited if the following requirements are met:

- (i) it is not made with the intention of unduly influencing you/a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business;
- (ii) it does not include cash or a cash equivalent (such as gift certificates or vouchers);
- (iii) it is appropriate in the circumstances, for example, giving or receiving a small gift at Christmas time;
- (iv) taking into account the reason for the gift or hospitality, it is of an appropriate type and value and given at an appropriate time;



(v) it is given openly, not secretly.

You must on every occasion consider whether to accept or provide a gift or hospitality. By way of example only, it would not be appropriate to do so in the following circumstances:

- offering a gift or hospitality to a client at a time when the client is re-tendering for its legal services or accepting a gift or hospitality from a supplier/consultant at a time you are involved in the Firm's decision in relation to a contract/appointment;
- the gift or hospitality is lavish or excessive in the circumstances.

If you are at all unsure about whether to accept or provide a gift or hospitality, you should consult with your Head of Group, a member of the Compliance team or the COFA.

Reporting Obligations

Receiving gifts or hospitality

You must use Riliance to report all gifts or hospitality offered or received which exceed £250 in value. This might require a reasonable assessment of what the gift or hospitality is worth. You must declare the gift or hospitality in Riliance before it is accepted. For hospitality provided by the firm, secretaries must make a record in Riliance, including the details of the intended guests and an estimate total value of the hospitality. The BD and Marketing team will ask for confirmation that the Riliance entry has been made before booking and paying for any hospitality. Full training on how to use Riliance is provided upon joining the Firm.

If you have any concerns as to whether any hospitality or gifts being given or received is appropriate please discuss either with the Compliance team or with the COLP. Unusually frequent hospitality/entertainment provided by the same client might constitute bribery and each occurrence must be recorded separately in Riliance.

Giving gifts or hospitality

This policy is not designed to prevent the provision of appropriate hospitality to clients and contacts. It is, however, important that full and up to date records are maintained so that we are able to demonstrate that the hospitality provided is both appropriate and proportionate. If you propose to provide hospitality where the cost will or may exceed £250, you must record the hospitality in Riliance either before the event.

Please note that this is in addition to obtaining the necessary prior approval of any expenditure under our expenses policy. An application for reimbursement of expenses will not be met unless it has been recorded in Riliance.

Other responsibilities

You must ensure that you read, understand and comply with this policy and sign below to confirm that you have done this. You should return this document signed and dated to the HR Department.

Any employee who breaches this policy is likely to face disciplinary action, which could result in dismissal for gross misconduct.



Reporting suspected acts of bribery

You must notify your Head of Group, a member of the Compliance team or the COFA as soon as possible if you believe or suspect that there has been a breach of this policy. For example, if a client or potential client offers you something to gain a business advantage with us or indicates to you that a gift or payment is required to secure their business.

A decision will then be taken on whether the matter will be investigated and if the gift or hospitality may be accepted.

Staff who refuse to accept a bribe, or those who raise concerns about wrongdoing, are sometimes worried about possible repercussions. We aim to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.

