



BRIBERY, FRAUD AND MALPRACTICE POLICY

FRAUD

Esher Scaffolding Ltd requires all staff at all times to act honestly and with integrity and to safeguard the resources for which they are responsible. Fraud is an ever-present threat to these resources and hence must be a concern to all members of staff. The purpose of this policy is to set out responsibilities with regard to the prevention of fraud.

What is Fraud?

No precise legal definition of fraud exists; many of the offences referred to as fraud are covered by the Theft Acts of 1968 and 1978, the Forgery & Counterfeiting Act 1981 and the Bribery Act 2010. The term is used to describe such acts as theft, deception, bribery, forgery, corruption, false accounting and conspiracy to commit these offences. For practical purposes, fraud may be defined as the use of deception with the intention of obtaining an advantage, avoiding an obligation or causing loss to another party.

Esher Scaffolding Ltd should be responsible for:

- Developing and maintaining effective controls to prevent fraud
- Carrying out vigorous and prompt investigations if fraud occurs
- Taking appropriate legal and/or disciplinary action against perpetrators of fraud
- Taking disciplinary action against supervisors where supervisory failures have contributed to the commission of fraud

Management should be responsible for:

- Identifying the risks to which systems and procedures are exposed
- Developing and maintaining effective controls to prevent and detect fraud
- Ensuring that controls are being complied with

Individual members of staff are responsible for:

- Acting with propriety in the use of official resources and in the handling and use of corporate funds whether they are involved with cash or payments systems, receipts or dealing with contractors or suppliers.
- Reporting details immediately to their line manager or next most senior manager if they suspect that a fraud has been committed or see any suspicious acts or events.

If fraud is suspected, it should be reported in confidence to you line manager immediately.

The line manager will then report to senior management if necessary.

A discreet enquiry will be carried out to ascertain the facts. Prompt action in these circumstances is essential.



If the initial enquiry suggests that a fraud has been attempted or perpetrated, then the relevant line manager must immediately take steps to prevent the possible destruction of evidence and ensure that all original documentation is preserved in a safe place for further investigation.

If the removal of documentation would impair the efficient operation of work, arrangements should be made to have copies available for continued use. The safe retention of original documents is essential for potential future legal action.

The Managing Director will convene a meeting with the Senior Management Team as soon as possible and discuss how to proceed.

They will review the findings and decide whether to

- Discontinue the investigation if initial suspicions are not confirmed or
- Continue with a full investigation

The Managing Director will determine whether suspension of the suspect is appropriate given the specific circumstances of the case and if so, will arrange for this to be carried out.

At this point, a "Report of Suspected or Actual Fraud" form must be completed and stored in the employee online file.

The MD will discuss with Senior Management whether the investigation needs the aid of external sources such as the Police.

Managing the Investigation Locally

The Managing Director will ensure adequate resources are provided to carry out the investigation. Should specific job roles usually carried out by the investigation team be non or underperformed, these will be allocated to somebody else of a similar job role.

The MD and senior management team will remain in contact with, and receive regular updates from the lead officer throughout the investigation.

Interviewing

Documentary evidence must be properly recorded. It must be numbered and include an accurate description of when and where it was obtained as well as by and from whom.

Interviews will be conducted by a professional and a witness

If an interview is necessary for disciplinary action, it will be conducted by the suspect's line manager with a witness.

When criminality is suspected, interviews must not be conducted by internal staff. They should be conducted by the police.





If the conditions of the Police and Criminal Evidence Order 1989 are not complied with, evidence will not be admissible in court.

Referral to the Police Service

The Managing Director will decide when to inform the police

The decision to accept a case for investigation rests full with the Police who will provide their response in writing.

The acceptance criteria are as follows:

- It must be established that there are reasonable grounds to believe that a criminal offence has been committed
- Deliberate criminal intent needs to be clearly identified. The fraud needs to be more than an error or omission
- The allegations should concern recent events and should not have become stale by reason of age. Incidents that are over two years old before discovery need to be judged individually on their merits, including availability of documentary evidence and the reliability of witness statements.
- To comply with the rules governing disclosure, Esher Scaffolding Ltd must identify and preserve all original documents and other exhibits relating to the intended complaint.
- Esher Scaffolding Ltd must be prepared to supply all original documents and exhibits to the police if an investigation is expected and commenced. Such evidential material should be securely held in accordance with PACE provisions before formal handover to the police.

Evidential packages provided to the police should contain a detailed summary of all relevant information surrounding the allegations made. This should include the nature of the allegations against the suspect, including the full name, address and date of birth. The package should also include the following:

- All available details of any other parties suspected of involvement in the alleged fraud, including the reasons for the suspicions
- A brief summary of the allegations including estimated values of the alleged crime and relevant dates
- A full description of the crime and the circumstances surrounding it. This should include full details of any investigations already undertaken by Ideal Scaffolding (Southern) Ltd or anyone acting on its behalf
- Copies of all relevant documents, each individually numbered and identified in the summary
- Copies of all statements obtained from suspects
- Names and addresses of all witnesses identified at the time of reporting to the police including copies of any statements
- Any police reference numbers that may already apply to any part of the case
- A name and contact point

Findings of the full investigation

On completion of the investigation, the MD will determine whether it is necessary to inform official bodies. The Managing Director will determine whether any members of staff should be subject to disciplinary action as a result of the findings of the investigation and will initiate any such action



Recovery of loss

Preventing further loss and recovery of any losses incurred are the primary objectives of any fraud investigation. The MD shall ensure that in all fraud investigations the amount of any loss shall be quantified. Repayment of losses should be sought in all cases

Where the loss is substantial, legal advice should be obtained without delay on the potential to freeze the suspect's assets through the court, pending conclusion of the investigation. Legal advice should also be obtained on the prospects for recovering losses through the civil court, should the suspect refuse to pay the loss. Esher Scaffolding Ltd should seek to recover costs in addition to any losses.

Acting on lessons learned from the investigation

The MD shall discuss with the Senior Management Team the effect of any system weaknesses found by the investigation

The Managing Director is responsible for ensuring that the appropriate changes in procedures and working practices to address any system weaknesses identified by the investigation are made promptly by the relevant people. If appropriate, these changes may be set out in an action plan identifying the staff involved and specifying the relevant completion dates.

Where relevant, the Managing Director may initiate a follow up examination of the relevant areas to ensure the revised procedures are operating effectively.

BRIBERY

Esher Scaffolding Ltd expects its employees to demonstrate honesty, integrity and fairness in all aspects of their business dealings and exercise appropriate standards of professionalism and ethical conduct in all their activities. Esher Scaffolding Ltd expects the same approach to doing business from its business partners and suppliers.

Pursuant to this Esher Scaffolding Ltd will not tolerate bribery or corruption in any form and has a 'zero tolerance' approach to any breach of this policy.

This means that Esher Scaffolding Ltd and its employees will never seek, accept or give a bribe, facilitation payment, kickback or other improper payment. We must also always ensure that we operate with appropriate transparency in all our business dealings.

Esher Scaffolding Ltd will take appropriate steps to ensure that:

- We do not, directly or indirectly, offer, promise, give, accept or demand a bribe or other undue advantage (including excessive gifts and hospitality) in order to obtain or retain business, or gain any other improper advantage.
- We do not offer, nor give in to demands, to make illicit or illegal payments to agents, public officials (at whatever level), or the employees of business partners or anybody else that we do business with.



- We engage and remunerate agents and other third parties only for legitimate services and adopt appropriate transparency in our approach.
- We promote employee awareness of, and compliance with, company policies against bribery and corruption through appropriate dissemination of our own procedures (including disciplinary procedures) policies and training programmes on induction and subsequently.
- We adopt management control systems that discourage bribery and corruption, and adopt financial and tax accounting and auditing practices that prevent the establishment of “off the books” secret accounts or the creation of documents which do not properly and fairly record the transactions to which they relate.
- We do not make illegal or inappropriate contributions to candidates for public office or to political parties or to other political organisations.
- We raise awareness of the need to combat bribery and corruption with our business partners by publication of this Policy and (where appropriate) relevant contractual provisions and support initiatives designed to reduce the risk of bribery and corruption.

This policy will be reviewed in May 2020 but Esher Scaffolding Ltd will continually endeavour to improve our practices

Signed: *K. Withers*
Kevin Withers, Managing Director, Responsible for Health and Safety
Date: **12/05/2021**

