



## ANTI-BRIBERY AND CORRUPTION POLICY

This Anti-Bribery and Corruption Policy has been approved by the 11KBW Management Committee. Its purpose is:

- To confirm 11KBW's commitment to ethical business practices and to the eradication of bribery, fraud and corruption;
- To set out the responsibilities of all persons who are associated with 11KBW in implementing that commitment; and
- To provide information and guidance on situations where issues of bribery, fraud and corruption may arise, and on the procedures to be followed in those situations by all persons who are associated with 11KBW.

### MISSION STATEMENT

**11KBW is committed to conducting its business fairly, honestly and openly, in accordance with the highest ethical and professional standards. It will not tolerate bribery or corruption by members, staff or by any third party acting for or on Chambers' behalf. All those associated with Chambers are expected to act lawfully and with integrity in all aspects of their roles, to comply to the letter with their professional Codes of Conduct, and to help foster a culture in which bribery, fraud and any form of corruption is unacceptable.**

### ZERO TOLERANCE

11KBW has a zero tolerance approach to bribery, fraud and all forms of corruption.

All persons who are associated with Chambers are expected to abide by the law, including the provisions of the Bribery Act 2010, and to follow the rules imposed by the Bar Standards Board and the Institute of Barristers Clerks.

No-one who is associated with 11KBW is permitted to offer or accept a bribe in any circumstances, or to do or attempt any other fraudulent or corrupt act.

*Any employee who bribes or attempts to bribe another person, or who accepts a bribe, or attempts any other fraudulent or corrupt act, will face disciplinary action, and may be dismissed without notice for gross misconduct.*

*Any employee who is suspected of bribing or attempting to bribe another person, or of accepting a bribe, or attempting any other fraudulent or corrupt act may be suspended immediately (on full pay) pending a full investigation.*

### WHAT SHOULD I DO IF I HAVE CONCERNS IN RELATION TO BRIBERY?

11KBW barristers, employees and contractors must report any act of bribery or suspected or attempted bribery, fraud or corruption of which they become aware in the course of their work with Chambers. The appropriate contacts are as follows:

- Barrister members of Chambers should contact the Head of Chambers.
- Pupil barristers should contact their supervisors or the Head of Chambers.
- 11KBW staff should contact the Head of Chambers or the Senior Clerk.
- 11KBW suppliers and contractors should contact the Senior Clerk.

For example, if a client or potential client offers some benefit to a barrister or member of staff in order to gain a business advantage, or suggests that a gift or payment is required to secure their business, this must be reported immediately.

*Any employee of 11KBW who fails without good reason to comply with this obligation to report bribery, fraud and corruption will face disciplinary action, and may be dismissed without notice for gross misconduct.*

If you are in any doubt as to whether something constitutes bribery, or whether it is or might be a breach of this Policy, you should seek advice from the individuals above.

In addition, we want to hear from you if you are concerned about any issues relating to bribery, fraud or corruption in relation to Chambers' work in the future, or if you have suggestions as to how such activity can be detected or avoided. We suggest that you contact the individuals above or any Management Committee member.

## **WHAT WILL HAPPEN NEXT?**

If you report a concern under this Policy, your concern will be investigated and considered by the Management Committee or by one or more senior barristers and/or staff appointed by and asked to report to the Management Committee.

In the event that a concern under this Policy is reported in relation to a member of the Management Committee, it will be investigated and considered by the Head of Chambers or by one or more senior barristers and/or staff appointed by the Head of Chambers. In the event that a concern under this Policy is reported in relation to a Head of Chambers, it will be investigated and considered by the Senior Clerk or by one or more senior barristers and/or staff appointed by the Senior Clerk.

The Management Committee will keep your report as confidential as is practicable consistently with investigating and addressing the concern you have raised. However, it may sometimes be necessary to pass on the information you provide to a third parties, including regulatory bodies, the police and 11KBW's insurers.

## **WILL I BE PROTECTED IF I RAISE CONCERNS?**

11KBW is committed to ensuring that all persons associated with Chambers feel able to report bribery or attempted bribery, fraud or corruption or a suspicion of such conduct in good faith. We will support you if you raise a genuine and reasonable concern in this regard, irrespective of whether your concern turns out to be justified.

Any report will be treated as a disclosure under the 11KBW Whistleblowing Policy.

If you believe that you have suffered detrimental treatment as a result of reporting in good faith your suspicion that bribery or attempted bribery, fraud or corruption has taken place or will take place in the future, you should inform the individuals above.

Alternatively, if you are an employee of 11KBW you may, if you prefer, raise the issue under the 11KBW Grievance Procedure.

## **GUIDANCE AND PROCEDURES**

It is not possible for this Policy to set out all situations in which issues of bribery, fraud and corruption may arise. If you are in any doubt as to whether something constitutes bribery, or whether it is or might be a breach of this Policy, you must seek advice from the individuals listed above under 'What should I do if I have concerns in relation to bribery?' – i.e. the Head of Chambers or Senior Clerk, or alternatively your pupillage supervisor in the case of pupils within Chambers.

However, the Management Committee has approved the following general guidance and procedures to govern three situations where you need to be particularly alert to both the risk of bribery, fraud or corruption and the risk of conduct that might be *perceived* as involving bribery, fraud or corruption: (a) developing business relationships, including relationships with solicitor and lay clients and with suppliers and sub-contractors; (b) offering and receiving hospitality; and (c) making charitable or political donations.

Breach of this guidance and these procedures may lead to serious disciplinary action.

### **(1) *Developing business relationships***

We expect those with whom we do business, including our solicitor and lay clients, and our suppliers and subcontractors, and all persons who are associated with 11KBW, to abide by the same high ethical standards as Chambers itself, and to respect the principles set out in this policy.

#### *Contracts with solicitor and lay clients*

- No fees may be sought or accepted over and above proper professional fees agreed in advance for professional work done. No payment may be made to any client in return for instructions or any other contract for services.

#### *Contracts with suppliers and subcontractors*

- No fees may be sought or accepted for awarding a contract to any 11KBW supplier or subcontractor. Any supplier or subcontractor who is engaged to act for or on behalf of Chambers must be provided with a copy of this Policy and instructed that they must comply with its terms.
- Due diligence checks on prospective suppliers or contractors will, where appropriate, include an assessment of ethical conduct. The Senior Clerk (seeking advice from the Management Committee, as necessary) is to be responsible for determining the appropriate checks in each case.

## ***Gifts and Hospitality***

- This Policy does not prohibit normal and appropriate hospitality, whether offered by Chambers to third parties, or accepted in good faith from third parties including solicitor or lay clients of barristers in Chambers. However, promotional expenditure which seeks to improve Chambers' image or the image of individual barristers must be reasonable and proportionate, and it is important that Chambers is able to monitor and review such hospitality.
- To this end, the following rules and procedures apply:
  - Where an individual barrister wishes to offer hospitality to lay or professional clients or potential clients on his or her own account, or to take up an offer of hospitality made to him or her personally, the barrister is responsible for ensuring that he or she complies with the Code of Conduct in the BSB Handbook and the provisions of the Bribery Act 2010.
  - Where hospitality with a value over £100pp is to be offered by or on behalf of Chambers as a whole, or by or on behalf of a particular practice group within Chambers, the proposed event must be notified to the Senior Clerk in writing, together with details of the purpose of the event, the person(s) to be entertained, the nature of the hospitality to be offered, and the expected cost. The Senior Clerk and/or the Management Committee as appropriate will determine whether to approve the event as proposed, and may make suggestions to modify the proposal.
  - Where a member of 11KBW staff is offered hospitality with a value which he or she estimates to be over £100pp, in connection with work for 11KBW, he or she should notify the Senior Clerk in writing. The Senior Clerk and/or the Management Committee as appropriate will determine whether to authorise the hospitality.
  - Any expenses claims relating to hospitality of any form must be submitted promptly to Director of Administration and Finance, Claire Halas. If the value exceeds £100pp the claimant must specifically record the reason for the expenditure (not just the date and third party).
  - The Senior Clerk, supported by the Director of Administration and Finance, is responsible for maintaining a register of the above hospitality offered by Chambers and/or particular practice groups within Chambers and received by members of 11KBW staff, for consideration and review by the Management Committee.

For the avoidance of doubt, you must never offer or accept gifts or hospitality on behalf of 11KBW that are not offered or accepted in good faith, or that you believe are intended to improperly influence the outcome of current or future business transactions, irrespective of whether they require approval under these procedures.

### ***Charitable and political donations***

- No charitable donation may be made by or on behalf of Chambers without the prior written approval of the Corporate Social Responsibility Committee, to be copied to the Senior Clerk.
- 11KBW does not make political donations.
- No person associated with 11KBW is permitted to make any charitable or political donations in order to improperly influence the outcome of current or future business transactions for Chambers or members of Chambers.

### **RESOURCES**

You may wish to consult the following additional resources:

- 11KBW's Whistleblowing, Grievance and Disciplinary Policies.
- The Code of Conduct in the BSB Handbook
- The IBC Code of Conduct.
- The Ministry of Justice Guidance on the Bribery Act 2010, available online.

### **MANAGEMENT**

Overall responsibility for compliance with this Policy rests with the 11KBW Management Committee. The Management Committee will exercise oversight, make assessments of risk, deal with decisions where potential for bribery exists, receive and investigate reports of bribery and supervise the measures put in place to prevent bribery. It will keep this Policy under review and make amendments as appropriate.

Daily responsibility for compliance with the Bribery Act 2010 and the implementation of this Policy rests with Chambers' Chief Executive. The assessment of Chambers' exposure to external and internal risks of bribery will be undertaken annually by the Chief Executive and documented in a report to the Management Committee.

***This Policy does not form part of any employee's contract of employment, or of the Chambers Contract, and may be amended at any time.***