

Morgan Sindall Corporate policy

Bribery Prevention

Revision Schedule

Rev. No.	Date	Details of change
Rev 1	Oct 11	Integrated Management System merger.
Rev 2	Dec 12	Updated sections 3.1, 4.2 and inserted section 6
Rev 3	Nov 14	Policy sign off amended to reflect exec team leadership changes
Rev 4	Dec 14	Updated section 3.1, 3.2 and inserted 3.3 in line with the formal anti-bribery management system requirements of BS 10500
Rev 5	Feb 15	Reviewed and updated to recognise change in Compliance Manager role
Rev 6	May 16	Periodic policy review, content reviewed for continued suitability and content considered appropriate/fit for purpose – no technical changes identified
Rev 7	Sept 16	Policy review/ update to reflect ISO37001
Rev 8	Feb 17	Further updates to reflect ISO37001 and amended risk assessments
Rev 9	May 17	Compliance function section updated
Rev 10	Jul 17	Policy sign off revised to reflect change in exec team leadership
Rev 11	May 19	Annual review and alignment with other policies

Management System

Policy

Morgan Sindall – Bribery Prevention policy

1.0 Purpose

To reconfirm the commitment of the Board that Morgan Sindall will take all necessary steps to ensure that it conducts its business in a spirit of integrity and that no act of bribery will be tolerated.

2.0 Scope

This policy applies to all employees and those performing services for Morgan Sindall (for example subcontractors, suppliers, consultants and temporary staff).

This policy is not intended to set out in detail the Morgan Sindall approach to prevention of bribery. Detailed guidance, including an explanation of defined terms and the procedures to be followed, are all set out in the Morgan Sindall Anti-Bribery Management System Guidance (“ABMS”) ([COM GUID6](#)).

3.0 Policy

Morgan Sindall is fully committed to conducting its business with the highest level of integrity and honesty and will put into place proportionate processes and procedures to prohibit acts of bribery. The processes implemented shall be reasonable and proportionate having regard to the nature and extent of the bribery risk that Morgan Sindall faces, taking into account the following:

- Size of the organisation;
- Sectors in which Morgan Sindall operates;
- Nature, scale and complexity of Morgan Sindall’s activities and operations;
- Morgan Sindall’s existing and potential Business Associates/supply chain; and
- Applicable statutory, regulatory, contractual and/or professional obligations and duties applying to Morgan Sindall.

Those individuals who are found to be involved in any bribery activity will be subject to disciplinary action within the Morgan Sindall disciplinary and dismissal policy. Actions considered to fall under the definition of bribery may be classed as gross misconduct leading to summary dismissal from the company.

4.0 Bribery offences

Four distinct categories of commercial bribery are identified by the Bribery Act 2010 which, if breached may constitute a criminal act:

- Active bribery – the offering, promising or giving of a bribe;
- Passive bribery – the requesting, agreeing to receive or accepting of a bribe;
- The bribing of a foreign public official in order to obtain or retain business or an advantage in the conduct of business; and
- a corporate offence of failing to prevent bribery by those acting on their behalf.

This clearly covers seeking to influence a decision-maker by giving some kind of extra benefit to that decision maker rather than by what can legitimately be offered as part of a tender or other selection process.

The Bribery Act carries a penalty of a fine or 10 years imprisonment (or both) for all offences, except the offence relating to commercial organisations, which will carry an unlimited fine. In addition, Morgan Sindall may face exclusion from tender opportunities and serious reputational damage.

Further details as to the nature of the above can be found in the ABMS at ([COM GUID6](#)).

Management System

Policy

Morgan Sindall – Bribery Prevention policy

5.0 Risk Assessment

Morgan Sindall will assess the risks posed to the company in a changing market place to assess the nature and extent of potential bribery risk. Such risk assessments shall be carried out by appropriately qualified employees or agents, properly documented and updated as necessary.

6.0 Guidance & Training

The ABMS has been developed for Morgan Sindall employees to ensure they are conversant with bribery related issues and how it may impact on their job role at Morgan Sindall. In that respect, the Standard explains what is permitted and not permitted in sufficient detail, so as to enable employees to find answers to specific practical questions or to know who they should approach for guidance.

Morgan Sindall will also provide appropriate anti-bribery education and training to all employees which will cover the above issues. Training is provided through a variety of means, including web based training, briefings, toolbox talks and the Cascade process.

7.0 Conflicts of Interest

All employees must perform their duties honestly and avoiding any conflict of interest between any personal, financial or commercial interests and their responsibilities to Morgan Sindall.

Any member of staff who has a financial interest in a company within the construction sector, other than Morgan Sindall, or who has a personal relationship with a person who is employed by another company within the construction sector, should disclose that information to Morgan Sindall as a potential conflict of commercial interest. Personal relationships include parents, siblings, spouse, common law spouse, civil partner or partner, or such other individuals who, in the reasonable opinion of the company would be considered as falling within this category.

Given the extent of the Morgan Sindall supply chain it is also possible that an employee may, acting as private individual, wish to enter into a contract with an Morgan Sindall supplier/subcontractor. Engagement of any sub-contractor/ supplier must always be on an individual basis directly between the employee and the sub-contractor/supplier. Use of any Morgan Sindall systems and/or contracts is prohibited.

In both of the above circumstances the potential conflict of interest must be discussed and disclosed to employees' line management and the Mandatory Disclosure form must be completed by the employee to ensure openness, transparency and to avoid any bribery risk. The mandatory disclosure form must be signed off by the Business Unit Managing Director and will thereafter be kept in the employee's personnel file.

8.0 Related Policies

This Policy supports and compliments the Morgan Sindall Policies for Ethics in the Workplace, Competition Law Compliance, and Fraud Prevention.

9.0 Compliance Function

The Compliance Function consists of the Head of Legal Services (Construction), Head of Legal Services (Infrastructure) and the Head of Internal Audit with support as necessary provided by other Morgan Sindall senior employees. The function is independent of operational activities, as far as reasonably practical.

The Compliance Function has overall responsibility for overseeing compliance with the Bribery Prevention Policy and the associated Bribery Prevention processes and procedures including:

- overseeing the design, implementation and ongoing update/maintenance of the ABMS;
- providing advice and guidance to employees on the ABMS and issues relating to bribery generally;
- ensuring that the ABMS conforms to the requirements of ISO 37001;

Management System

Policy

Morgan Sindall – Bribery Prevention policy

- reporting on the performance of the ABMS and any anti-bribery objectives to the Executive Board

All Morgan Sindall employees are responsible for adhering to the Bribery Prevention Policy, processes and procedures, including but not limited to the ABMS.

10.0 Objectives

In order to monitor the effectiveness and achieve continuous improvement of the Policy, ABMS and other related policies and procedures, Morgan Sindall will establish a number of anti-bribery objectives at relevant and appropriate functions within the organisation.

The objectives will be reviewed on an annual basis and will include as a minimum the following standard objectives/ targets, with progress against each communicated to the Executive Board:

- Annual review of ABMS & Policy;
- Annual review of Bribery Act Risk Register
- Target 100% anti-bribery training for new employees (whether via online Learning Management System, toolbox talks or otherwise);
- Target zero dismissals relating to bribery;
- Target zero prosecutions relating to bribery.

11.0 Updates

Morgan Sindall will remain abreast of key developments in this area of law and ensure the Policy, ABMS and training is updated in a timely manner.

12.0 Reporting bribery related concerns

Any employee who has any concerns about potential bribery should, in the first instance, report it to their line manager, who should seek appropriate advice from a member of the Compliance Function or other senior member of staff such as the Commercial Directors or HR Director. Alternatively, the company's independently operated "Raising Concerns" whistleblowing helpline can be used to report issues anonymously. Raising Concerns can be contacted 24 hours a day, 7 days a week via:

Telephone– 0800 374199

Email - morgansindall@expolink.co.uk

Web - <https://wrs.expolink.co.uk/> - using company access code MSGPLC when prompted

Signed 

Simon Smith
Managing Director – Infrastructure

Signed 

Pat Boyle
Managing Director - Construction

May '19