

# Corporate Criminal Offences Policy

18 August 2021

Last reviewed: 15 November 2024



## Policy Statement

Pellikaan Construction Ltd (Pellikaan) conducts its business professionally and with integrity. We comply fully with the Criminal Finances Act 2017 (CFA).

We do not, and will not tolerate tax evasion.

This policy applies to all persons working on behalf of Pellikaan in any capacity and therefore whether directly employed or not. It applies wherever they are located in the world.

## Context

It is a criminal offence to dishonestly evade tax or assist another/ others to evade tax.

This can be an individual act on the part of the evader or involve others. It may involve misrepresenting, or disguising actions taken.

People who are found guilty of this offence can be punished by imprisonment and/ or by being fined.

At corporate level, Pellikaan could also be fined an unlimited amount of money, with significant damage caused to its reputation, and exclusion from future public sector tenders.

Under the CFA, a criminal offence occurs if any associated person (see below) of Pellikaan deliberately carries out actions to evade paying tax. It applies at corporate level where reasonable prevention procedures are not in place.

The corporate criminal offences covered by the CFA are:

- (i) UK tax evasion
- (ii) Foreign tax evasion.

The legislation applies widely and can apply to the evasion of any tax, including indirect and employment taxes.

## Policy application

Compliance with our policy is a critical business requirement for all Pellikaan staff and for all who carry out work for us – whether staff, contractor, agent, or any other person providing services for or on behalf of Pellikaan. In the context of CFA, these are referred to as “associated persons” and this terminology applies to a person or entity.

Any member of staff who fails to observe this Policy will face disciplinary action, which is likely to result in dismissal. Contracts with associated persons who are not staff will be terminated if they are found to have breached this Policy.

We have effective procedures in place to counter tax evasion, and also have a separate legally compliant Anti-Bribery Policy in place.

Pellikaan procedures and processes ensure payments are not made in cash; are not made in alternative currency; are not paid to or through a third party; and are not paid to an overseas bank account. They ensure that all financial transactions directly reflect the services/ goods contracted for and are accurately and transparently recorded.

## Pellikaan complies with the six guiding principles of CFA

These are: Risk assessment; Proportionality of risk-based prevention procedures; Top level commitment; Due diligence; Communication (including training); Monitoring and review.

### Risk assessment

We have undertaken a risk assessment across the revenue generating, procurement, finance and wider back-office areas of our business. This review considered potential exposure to tax evasion, examining organisational structure, job roles, systems, policies, procedures, processes and working practices.

We are, therefore, clear on where there could be potential exposure, and risk management is in place.

Review of the risk assessment will take place every two years, or earlier should there be a material change to our business – e.g., in accessing new market(s) or organisational restructure.

### Proportionality of risk-based prevention procedures

Reasonable procedures will be implemented to prevent associated persons from criminally facilitating tax evasion. These will be based upon our risk assessment. Our prevention procedures will be regularly updated where necessary to reflect findings from the reviews we carry out.

Our prevention procedures consist of: Top level commitment; Due diligence; Communication and training; Monitoring and review. These are detailed below.

### Top level commitment

- Tax evasion or attempts to carry out tax evasion will not be tolerated within our business.
- Our policy carries the top-level commitment of our Managing Director (and is signed by him as such).
- Our policy approach will be communicated to all associated parties:
  - Staff through the issue of our Policy Statement, training, refresher training and internal awareness activity (detailed below). Compliance will be a mandatory requirement.
  - Other associated parties via communication at the start of our relationship with them, and as appropriate following this.

### Due diligence

We will continually review our prevention procedures by carrying out internal audits, ensuring that we have fully identified all associated persons and are aware of any risks that could result in tax evasion. Risk removal/mitigation will be reviewed as necessary and will remain proportionate to level of risk. Our Managing Director will be fully appraised of this process and involved in a governance and decision-making capacity.

We will also conduct due diligence checks of our supply chain – particularly (although not exclusively) sub-contractors and our major suppliers.

Pellikaan will do this by:

- Assessing the subcontractor/ supplier's own approaches to compliance with UK legislation and requesting senior level written confirmation that a policy is in place and is enforced.
- Undertaking independent checks on ownership of the business, how it is managed and from where.



- Requesting proof of tax registration.
- Requesting written confirmation that they will not knowingly facilitate tax evasion or work with any person or organisation that carries out this practice.

### Communication and training

Communication will consist of emails, regular bulletins, and coordination of training activity.

Training will include: Induction training for new staff, carried out within four weeks of them joining us; training workshops for all appropriate staff; Periodic refresher training for all appropriate staff.

All staff must read, understand, and apply our zero-tolerance policy and deploy it in the workplace.

### Monitoring and review

Our policy will be reviewed periodically, with this process led by our Managing Director and nominated Departmental Heads.

Review will incorporate testing of associated procedures and processes and will include an updated CCO Risk Assessment.

### Reporting concerns

If any member of staff identifies a concern or issue regarding potential breach of our policy, they should tell their line manager or the Managing Director. Alternatively, they may use the Pellikaan Whistleblowing Policy.

Staff will be able to speak in confidence and without fear of repercussion.

### Responsibility and Authorisation

Our Managing Director provides top level commitment to CCO compliance and has signed this policy as such.

Signed: 

Date: 18 August 2021

Last reviewed : 11 November 2024

Name: Gert-Jan Peeters

Designation: Managing Director