

WM Capital Management Ltd

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Statement of Bribery Prevention Summary of Policy and Procedures June 2023

Introduction

This policy outlines the Firm's position on preventing and prohibiting bribery and corruption, in accordance with the Bribery Act 2010.

It is a requirement under the Act for a commercial organisation to develop and implement policies and procedures designed to prevent persons associated with it from committing bribery on its behalf. Failure to do so is an offence under the Act. The 'persons associated' with the Firm applies to its employees, agents and consultants.

FCA Consumer Duty

This policy acknowledges the obligations placed upon the Firm by the FCA's Consumer Duty and the new consumer principle:

'A firm must act to deliver good outcomes for retail customers.'

The Consumer Duty is focused upon higher levels of consumer protection and one of the key tenets of the Duty is that firms must make every possible effort to avoid foreseeable harm to retail customers. WM is wholly committed to acting in good faith at all times, which in accordance with the FCA's own definition is:

'A standard of conduct characterised by honesty, fair and open dealing and acting consistently with the reasonable expectations of retail customers.'

Definition of Bribery

Bribery refers to the act of offering, giving, promising, asking, agreeing, receiving, accepting or soliciting something of value or of an advantage, so to induce or influence an action or decision.

A bribe refers to any inducement, reward, or object/item of value offered to another individual in order to gain commercial, contractual, regulatory or personal advantage.

Bribery is not limited to the act of offering a bribe. If an individual is on the receiving end of a bribe and they accept it, then they are also breaking the law.

Bribery Act 2010

Under the Bribery Act 2010, a bribe is a financial or other type of advantage that is offered or requested with the:

- Intention of inducing or rewarding improper performance of a function or activity; or
- Knowledge or belief that accepting such a reward would constitute the improper performance of such a function or activity.

A relevant function or activity includes public, state or business activities or any activity performed in the course of a person's employment, or on behalf of another organisation or individual, where the person performing that activity is expected to perform it in good faith, impartially, or in accordance with a position of trust.

Four new statutory offences of bribery were introduced by the Act so that there is no longer a common law offence of bribery. The Act also extended the investigatory powers of both the National Crime Agency (NCA) and of the Serious Fraud Office (SFO) to cover potential bribery offences.

Each of the four new bribery offences under the Act is actually set out in wide terms to cover the various ways that bribes are given and received. The four offences are:

- Bribing another person (active bribery).
- Being bribed (passive bribery).
- Bribing a foreign public official.
- The corporate offence of failure to prevent bribery.

Policy Statement

WM Capital Management Ltd is an investment management firm authorised and regulated by the Financial Conduct Authority. It does not and is not authorised to hold client money. As a matter of policy, the Firm does not make political or charitable donations and does not provide gifts or entertainment to any of its suppliers or other associated persons.

It has a zero tolerance to bribery and is committed to carrying out its business activities with the utmost integrity and in an open and fair manner.

The management of WM is fully committed to ensuring that an anti-bribery culture is maintained within the Firm, in which bribery is never acceptable. Employees will be subject to strict disciplinary proceedings if bribery has been committed or suspected. Other associated persons who provide services to the Firm will also be subject to a commitment to confirm a zero tolerance to bribery.

The bribery prevention policies and procedures implemented by the Firm will be proportionate to the risks that the Firm faces and the nature and scale of its activities.

Policy and Procedures

The main risk of bribery being committed by persons associated with the Firm is in relation to hospitality or gifts from investment organisations or their employees to encourage the Firm to invest in their funds.

In recognition that hospitality and gifts can be employed as bribes, the Firm has put in place the following procedures to mitigate this risk:

- A log of all gifts and hospitality is maintained, recording the estimated value and whether it was accepted or declined.
- Entries in the log are also documented in the relevant Quarterly Compliance Report, which allows potential issues to be identified and remedial action to be taken.
- Strict limits are placed on the value of individual gifts and invitations that can be accepted.
- Invitations to lunch or dinner must be on the basis of a business meeting and not just a social meeting.
- All members of staff are required to undergo training once a year covering the Firm's policy and procedures, as well as the main provisions of the Act.
- Declarations are signed confirming understanding of the Firm's requirements and disciplinary procedures.
- Due diligence of investment firms and other 'associated persons' requires those firms to provide details of their bribery prevention policy and procedures which must always be based on zero tolerance.

Policy Review

This policy will be assessed and reviewed on at least an annual basis.

