

Anti-Bribery and Corruption Policy

1. Policy Overview

The Trust is committed to operating fairly, honestly and with integrity. As part of this overall commitment, the Trust has a zero-tolerance policy in relation to bribery and corruption. This includes a commitment to comply with all applicable anti-bribery and corruption laws and regulations and, in particular, the Bribery Act 2010. (<http://www.legislation.gov.uk/ukpga/2010/23/contents>)

UK bribery laws prohibit the giving or receiving of bribes. A bribe is designed to improperly influence the way in which a person acts and may be in the form of money but can also be any other type of advantage. For example, the law extends to the giving or receipt of inappropriate entertainment and to “grease” payments to public officials (e.g. payments to expedite a process).

Questions or concerns about the application of the law to specific situations should be directed to the Chief Executive Officer or Finance Director. In order to ensure compliance with the law, all trustees, governors and staff must ensure also that policies and procedures in relation to gifts and entertainment and claiming expenses are followed.

It is a disciplinary offence to engage in conduct or behaviour that does not comply with this policy or for anyone in a managerial or supervisory capacity to fail to take action in respect of any such conduct or behaviour. This will be dealt with under the disciplinary procedure and could lead to dismissal without notice.

If you believe that anyone associated with the Trust is acting in a way that may contravene the law or that could put the Trust or Academy at risk then it is your duty to report the matter as soon as possible. If you are uncomfortable talking to your supervisor or your supervisor’s manager or you do not receive a satisfactory response then you should contact the Chief Executive Officer, Chief Finance and Operations Officer or the Chair of the Trust.

2. Policy Definitions

2.1 Bribery

The Bribery Act 2010 introduces four offences:

- The offence of bribing another person. This can occur where a person offers, promises or gives a financial or other advantage to another individual to perform improperly a relevant function or activity.
- The offence of being bribed. This is where a person receives or accepts a financial or other advantage to perform a function or activity improperly.
- Bribery of a foreign public official. This is where a person directly or through a third party offers, promises or gives any financial or other advantage to a foreign public official in an attempt to influence them.
- A corporate offence of failure to prevent bribery. A commercial organisation could be guilty of bribery where a person associated with the organisation, such as an employee, agent or even a sub-contractor, bribes another person intending to obtain or retain business for the organisation.

2.2 Corruption

The offering, giving, soliciting or acceptance of an inducement or reward that may influence the actions of any person. Both parties are equally guilty of an offence.

3. Gifts and Entertainment/Hospitality

Anyone associated with the Trust must adhere to the rules and guidance in this policy when giving or receiving gifts or entertainment.

In no circumstances should anyone associated with the Trust offer, give or accept any gift or hospitality which might be construed as an attempt to influence a business decision (e.g. hospitality or a gift during a tender process).

If you are ever uncertain as to the correct course of action, please speak in confidence to the Chief Finance and Operations Officer, Chief Executive Officer or the Chair of the Trust.

3.1 Gifts

3.1.1 Giving of Gifts

In general, the Trust does not believe that the giving of gifts is appropriate. You must never give a gift on behalf of the Trust without the express permission of the Chief Finance and Operations Officer, Chief Executive Officer or the Chair of the Trust. If you seek permission to give a gift then you must be prepared to explain the reason for which the gift is being given and why the gift is appropriate.

For clarity, the following represent allowable costs that can be incurred by the Trust or an Academy and are therefore not captured by the above definition of 'gifts':

- Purchase of flowers, the giving of a charitable donation, or similar, either to Trust staff or an appropriate external party, as a one-off gesture to recognise circumstances such as life events, illness, or as a 'thank you'
- Purchase of food, drink and other related items for staff and external individuals where necessary as part of special events – for example parents' evenings, Academy-organised sports events, etc Alcohol should not be purchased.

Such gifts as described above are allowable when appropriate, not excessive, and approved by the Headteacher of an Academy or the Chief Finance and Operations Officer of the Trust.

3.1.2 Receipt of Gifts

Gifts in this context include goods and services. In general, you are required to return any gift or give it to charity and send a suitable letter explaining that the Trust's policy is not to accept gifts.

However the Trust recognises it is common accepted practice for Academy Staff to accept low value gifts from pupils or parents, for example at the end of term. Gifts of this nature do not need to be recorded on the register of gifts and hospitality, so long as the gift is less than £25 in value and could not be perceived as being given to exert undue influence on the staff member.

For clarity, the following are not considered to be gifts under the definitions of this policy and can therefore be accepted so long as they cannot be construed as an attempt to influence a business decision:

- Items provided for use by Academy staff in the performance of their role at the Academy, which would otherwise need to be purchased. Examples could include:
 - Pens
 - Calendars
 - Other low value stationery items.
 - Special offers, for example: 3 for the price of 2 discounts.
- Gifts provided for students at the Academy, so long as the procurement decision does not take account of the donation of the gift.

Examples of such donations could include:

- Text books or other similar materials
- Sports equipment
- Other donations not directly related to the provision of education, but for example which could be used by the academy to reward students.

Under no circumstances can gifts of cash or an equivalent be accepted.

3.2 Grease Payments, "kickbacks" or "bungs"

Grease payments aka “kickbacks” or “bungs” to public officials in order to gain or speed up actions by them must not be made. These are illegal and any demand for them must be reported to the Chief Executive Officer or the Chair of the Trust.

3.3 Hospitality / Entertainment

The provision and receipt of reasonable hospitality related to the business activities of the Trust is allowed provided that the procedures set out in this policy are adhered to. However the giving or receiving of hospitality or entertainment on behalf of the Trust should always be kept within reasonable limits.

If you are offered hospitality of any value as a consequence of your role within the Trust:

- You must disclose the hospitality and its nature to your Headteacher, the Chief Finance and Operations Officer, Chief Executive Officer or the Chair of the Trust, and obtain written approval before accepting on the form attached to the appendix of this policy

In addition, if any hospitality or entertainment is likely to exceed £50 then its provision or receipt must be authorised by the Chief Executive Officer or the Chair of the Trust in advance. Factors that will be taken into account in making a decision will include the proportionality of the event, whether a procurement is underway or likely to be commenced in the future and what the intended purpose of the event is. For example, it would not be unreasonable to accept proportionate hospitality if the purpose of it was to cement effective working relationships. In particular, if you do not get the appropriate authorisation then you will not be reimbursed your expenses.

Any hospitality or entertainment offered, whether accepted or declined, must be recorded in the individual Academy Register of Gifts and Hospitality.

3.4 Procedure in the event of contravention of this policy

Should any incidence of a possible contravention of this policy occur, or any reporting of a suspicious exchange take place, the incident will be reported to the Chief Executive Officer and investigated by the Chief Finance and Operations Officer of the Trust. A report on the outcome will be made to the Trust Board and any further action will be taken following the Trust Disciplinary Policy.

DECLARATION OF GIFTS / HOSPITALITY

(Offered or Received)

Please complete the attached form which should be signed in line with the Scheme of Delegation and returned to your Academy Business Manager.

This declaration will be retained and recorded in The Register of Gifts and Hospitality at your Academy, which will then be made available to Trust Auditors at year-end.

DECLARATION OF GIFTS / HOSPITALITY

(Offered or Received)

Name: _____ Job Title: _____

Academy: _____ Department: _____

Date of Offer of Gift/Hospitality: _____ Estimated Value: _____

Individual/Organisation making offer of Gift/Hospitality: _____

Details: _____

Reason for Gift/Hospitality: _____

Gift/Hospitality Accepted: Yes/No

Signature (Employee): _____

Signature of Headteacher: _____

Gifts

As per the Anti-Bribery and Corruption Policy, you are not required to record gifts from parents or pupils which are below £25. These are the only gifts that can be accepted per the terms of the Policy.