

Anti-Corruption, Fraud & Bribery Policy (Trust)

Related Policies

- Conflict of Interest Policy
- Whistleblowing Policy
- Grievance Procedure
- Staff Code of Conduct (for Trust Employees and Volunteers)
- Anti-Money Laundering Policy
- Finance Delegations

1. Introduction

- I. It is the policy of the Trust to conduct all business in an honest and ethical manner. The Trust takes a zero-tolerance approach to corruption, fraud and bribery. It is committed to acting professionally, fairly and with integrity in all business dealings and relationships, wherever it operates and implements and enforces effective systems to counter bribery. The Trust will comply with the Fraud Act 2006 and Bribery Act 2010, in respect of conduct both at home and abroad.
- II. The purpose of this policy is to:
 - a) set out the Trust's responsibilities, and of those working for it, in observing and upholding its position on corruption, fraud and bribery; and
 - b) provide information and guidance to those working for the Trust on how to recognise and deal with corruption, fraud and bribery issues.
- III. Corruption, fraud and bribery are punishable for individuals by up to ten years' imprisonment and if The Trust is found to have taken part in corruption it could face an unlimited fine, be excluded from tendering for public contracts and face significant reputational damage. The Trust therefore takes its legal responsibilities very seriously.
- IV. In this policy, third party means any individual or organisation with which a worker comes into contact during the course of their work for the Trust, and includes actual and prospective pupils and parents, alumni, suppliers, business contacts, agents, advisers, inspectors and government and public bodies.

2. Who is covered by the Policy?

- I. This policy applies to all individuals working for the Trust at all levels (whether permanent, fixed-term or temporary), and includes Governors, volunteers, agents or any other person associated with the Trust (collectively referred to as workers in this policy).

3. Overview of the Bribery Act 2010

- I. The Act covers all instances of corruption, in UK and abroad, by individuals as well as corporates, and between and within businesses as well as in the public sector.
- II. The Act's definition of bribery is: 'Anything that induces or is intended to induce improper performance'.
- III. There are four main offences:
 - a. requesting, agreeing to receive or accepting a bribe;
 - b. bribing a foreign public official;
 - c. offering, promising or giving a bribe; and
 - d. a corporate offence of failing to prevent bribery.

- IV. An organisation's employees, agents, intermediaries and introducers are covered by the Act.
- V. A bribe may be given or received in the form of a gift or hospitality.

4. Risk Assessment

The success of the Trust is dependant to some extent on maintaining close and strong relationships with other individuals and organisations. Workers must therefore be careful and stringent to observe and ensure that all relationships are conducted with the utmost integrity and in accordance with all applicable anti-corruption laws.

5. Definitions

- I. Corruption is interpreted as offering, giving or receiving of rewards and inducements designed to influence action.
- II. Fraud is interpreted as the intentional, false representation or concealment of a material fact for inducing another to act upon it to his or her injury.
- III. Acts of fraud and corruption can include:-
 - a) abuse of Trust systems and processes for personal gain
 - b) obtaining money from the Trust without consent or following correct procedures
 - c) misuse and inappropriate use of Trust equipment for personal gain
 - d) theft of Trust property
 - e) any unlawful activity and/or in contravention of Trust policies and procedures
 - f) money laundering
- IV. A bribe is an inducement or reward offered, promised or provided in order to gain (or attempt to gain) any business or personal advantage.
- V. The following are examples of circumstances in which offences under the Act may occur: -
 - a) an IT Company providing services to the Trust offers a free i-Pad as an incentive for renewing its contract for services.
 - b) a Ski Company tendering for a contract with the Trust to facilitate a Trust trip offers to accommodate a worker's children on the trip free of charge.
 - c) to request or accept a reduction in school fees at another school in return for an expectation that the member of staff would induce other families to accept places at the other school.
- VI. Accepting any of the offers identified above may amount to an offence under the Act. Staff are required to seek approval from the Bursar or CEO before accepting such offers.

6. Gifts and Hospitality

- I. This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties.
- II. The giving or receipt of gifts or hospitality is not prohibited, if the following requirements are met:
 - a) it is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits;
 - b) it complies with local law;
 - c) it is given in the Trust's name, not in an employee's name;
 - d) it does not include cash or a cash equivalent (such as gift certificates or vouchers);
 - e) it is appropriate in the circumstances. For example, in the UK it is customary for small gifts to be given at Christmas time;

- f) taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time;
- g) it is given openly, not secretly; and
- h) gifts should not be offered to, or accepted from, government officials or representatives without the prior approval of the Bursar or the CEO.

III. From time to time parents or pupils may offer gifts on an individual basis as a demonstration of their gratitude for work done on their behalf, and this is perfectly legitimate. However, in some contexts such gifts could be construed as an improper inducement to, for instance, accord preferential treatment in the future. Consequently, it is necessary for the Trust to have rules applying to such gifts. These are as follows: -

- a) any gifts of cash or other monetary equivalent (e.g. vouchers) of whatever value, or any other gifts of a value of £100 or over, should be reported to the Bursar via email. They should be donated to the Trust or Trust's nominated charity. The parent should be thanked for their gift and informed that it is being donated to the Trust or Trust's nominated charity.
- b) the maximum value of a gift from a group of parents that can be accepted will be based on an average of £25 per pupil.
- c) gifts received from suppliers may be retained if they are token work-related items e.g. pens, notepads, flash drives, desk calendars or diaries. Any other gifts should be politely refused or donated to the Trust or Trust's nominated charity. In either case the Bursar should be notified by email, and if the gift is being donated to charity then the giver of the gift should be told that this is the case.
- d) staff may retain any other gifts of a value of up to £100.

7. What is not acceptable?

- I. It is not acceptable for a worker (or someone on their behalf) to:
 - a) give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that an advantage for the School will be received, or to reward an advantage already received;
 - b) give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
 - c) accept payment from a third party that you know or suspect is offered with the expectation that it will obtain an advantage for them;
 - d) accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by the Trust in return;
 - e) threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy; or
 - f) engage in any activity that might lead to a breach of this policy.

8. Facilitation payments and kickbacks

- I. The Trust does not make, and will not accept, facilitation payments or "kickbacks" of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a routine government action by a government official. They are not commonly paid in the UK, but are common in some other jurisdictions.
- II. If an employee is asked to make a payment on the Trust's behalf, they should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. The employee should always ask for a receipt which details the reason for the payment. If the employee has any suspicions, concerns or queries regarding a payment, they should be raised with the Bursar or CEO if appropriate.
- III. Kickbacks are typically payments made in return for a business favour or advantage. All employees must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by the Trust.

9. Donations

- I. The Trust only makes charitable donations that are legal and ethical under local laws and practices. No donation must be offered or made in the Trust's name or on behalf of the Trust without the prior approval of the Bursar or the CEO.

10. Workers' Responsibilities

- I. All staff must ensure that they have read, understand and comply with this policy.
- II. The prevention, detection and reporting of corruption, fraud and bribery are the responsibility of all those working for, or under the control of, the Trust. All workers are required to avoid any activity that might lead to, or suggest, a breach of this policy.
- III. The Trust could be held liable for failing to prevent bribery if a person associated with it commits an offence under the Act. Staff must notify the Bursar or the CEO as soon as possible, if they believe or suspect that a breach of this policy has occurred, or may occur in the future, or if they consider that, they have been offered any inducement or reward with a view to obtaining a business or personal advantage.
- IV. Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. The Trust reserves its right to terminate any contractual relationship with workers if they breach this policy.

11. Record Keeping

- I. The Trust keeps financial records and has appropriate internal controls in place, which will evidence the business reason for making payments to third parties.
- II. All employees must make their line manager aware and keep a written record of all hospitality or gifts accepted or offered, which will be subject to managerial review.
- III. Staff must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with the Trust's expenses policy and specifically record the reason for the expenditure.
- IV. All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness. No accounts must be kept "off-book" to facilitate or conceal improper payments.

12. How to Raise a Concern

- I. Staff are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. Concerns should be reported by following the procedure set out in our Whistleblowing Policy.

13. Protection

- I. Employees who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. The Trust's aims to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.
- II. The Trust is committed to ensuring no one suffers any detrimental treatment because of refusing to take part in bribery, fraud or corruption, or because of reporting in good faith his or her suspicion that an actual or potential bribery, fraud or other corruption offence has taken place, or may take place in the future.

- III. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If a worker believes that they have suffered any such treatment, they should use the Trust's Grievance Procedure.

14. Training and Communication

- I. Training on this policy forms part of the induction process for all new employees. All existing workers will receive regular, relevant training on how to implement and adhere to this policy.
- II. The Trust's zero-tolerance approach to bribery, fraud and corruption must be communicated to all suppliers, contractors and business partners at the outset of the Trust's business relationship with them and as appropriate thereafter.

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