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## **Anti-Bribery Policy**

Approved Summer 2016

All school policies are reviewed by Governors annually

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### **Introduction**

Cheltenham Bournside School values its reputation for ethical behaviour and is fully committed to the highest standards of financial probity and reliability in its business activities, this policy summarises the school's position on the prevention and prohibition of bribery in accordance with The Bribery Act 2010.

### **Scope and aims of the policy**

This policy provides guidance for all employees, Governors, temporary workers, contractors, consultants and related agents in the prevention of bribery when acting in the course of their employment. Every employee and associated person acting for, or on behalf of, the school is responsible for maintaining the highest level of business conduct. Any known breach of this policy is likely to constitute a serious disciplinary, contractual and criminal issue for the individual concerned and may also cause serious damage to the reputation and status of the school.

This policy covers:

- The main areas of liability under The Bribery Act 2010
- The responsibilities of employees and associated persons acting for or on behalf of the school
- The consequences to any breaches of this policy

### **The Bribery Act 2010**

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage. 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
- Knowledge or belief that accepting such a reward would constitute the improper performance of such a function or activity

The Bribery Act 2010 outlines four corporate offences, here of which three apply to individuals. These offences, whether for commercial organisations or for individuals, apply regardless of where

in the world the bribes are offered or received, and regardless of whether the bribery is direct or via a connected party such as an agent or partner. The four corporate offences are:

- A general offence covering the offering, promising or giving of a bribe
- A general offence covering the requesting, agreeing to receive, or acceptance of a bribe
- A discrete offence of bribery of a foreign public official
- A new corporate offence of failure by a commercial organisation to prevent bribery by persons associated with it

Therefore, the school will be committing a criminal offence under the Bribery Act 2010 if:

- An employee or associated person acting for, or on behalf of, the Academy offers, promises, gives, requests, receives or agrees to receive bribes; or
- An employee or associated person acting for, or on behalf of, the school offers, promises or gives a bribe to a foreign public official with the intention of influencing that official in the performance of his/her duties (where local law does not permit or require such influence); and
- The School does not have the defence that it has adequate procedures in place to prevent bribery by its employees or associated persons.

### **What is prohibited and what is acceptable?**

Our school prohibits the offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement, to or from any person or company, public or private, by any governors, staff, contractors, consultants, agents, overseas agents, external examiners and any non-employee service providers engaged on school business for whatever reason, in order to gain any commercial, contractual or regulatory advantage for the school in a way which is unethical or in order to gain any personal advantage, pecuniary or otherwise, for an individual or anyone connected with an individual.

### **Gifts, hospitality and entertainment**

This policy does not prohibit school employees from accepting normal and appropriate gifts, such as those given to a member of staff by a pupil or parent as a thank you. However any gift above the value of £30 arising from or connected with employment must not be accepted without first notifying the Headteacher or Chair of Governors and specifying the nature of the gift and the circumstance in which it is being offered. If, in the reasonable opinion of the Head, acceptance of the gift is inappropriate you must decline it. Similarly, the acceptance of lavish hospitality provided by a parent or external body may constitute a bribe or improper inducement. If an employee is in any doubt as to whether a potential act, invitation or gift constitutes bribery, then he/she should seek guidance from the Head or the Business Manager.

Normal and appropriate hospitality is considered an accepted part of the school's practice, such as the provision of tea/coffee and biscuits, however lavish corporate hospitality which may be used to secure an advantage of sorts, may be considered an offence under the Bribery Act 2010.

## **How to conduct business and negotiate contracts**

Quotations/ tenders must should follow these principles:

- Ensure the process is fair and equitable
- Provide the same information to all parties
- Stipulate closing time
- Maintain confidentiality of pricing
- Keep quotes and summary sheet on file for audit purposes

## **Reporting suspected bribery**

The school depends on its employees and associated persons to ensure that the highest standards of ethical conduct are maintained in all its business dealings. Employees and associated persons are required to assist the school and to remain vigilant in preventing, detecting and reporting bribery.

Employees and associated persons are encouraged to report any concerns including the following:

- any suspected or actual attempts at bribery
- concerns that other employees/associated persons are being bribed
- concerns that other employees/associated persons may be bribing third parties such as clients

Concerns or suspicions should be reported to the Anti-Bribery compliance officer (The Business Manager) or the Accounting Officer (Headteacher) who will treat this as confidential in the first instance. Any such reports will be thoroughly and promptly investigated in the strictest confidence. Any employee/associated persons who report any instances of alleged or suspected bribery in good faith will be fully supported by the school. The school will ensure that the individual is not subjected to any detrimental treatment as a result of his/her report, ***Please refer to the school's 'whistle blowing' policy.*** It should also be noted that collusion or failing to report any wrongdoing is in itself a disciplinary offence.

## **Action by the School**

The school will fully investigate any alleged or actual bribery and any employees suspected of bribery may be suspended from their duties whilst the investigation is being carried out. The Academy will invoke its disciplinary procedures where an employee is suspected of bribery, and proven allegations may result in a finding of gross misconduct and immediate dismissal. The school may also terminate the contracts of any associated persons, including anyone acting on or on behalf of the school that are found to have breached this policy. The Anti-Bribery compliance officer will be responsible for determining whether or not any issue may be resolved internally through the disciplinary process or if it is a matter that needs to be escalated to the Police.

## **Staff responsibility**

The Headteacher, Business Manager and the Board of Governors have overall responsibility for the policy and for fostering a culture within the organisation in which bribery is never acceptable. However, the prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the school or under the school's control. All associated staff

are required to avoid any activity that might lead to, or suggest, a breach of the policy and are required to notify their line manager or the Headteacher/ Business Manger as soon possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future.

All staff must thoroughly recognise their accountability under the Anti-Bribery act 2010 and must confirm that they have read and understood the policy by confirmation with the Personnel department at the start of their employment.

### **Monitoring and Review**

The Ministry of Justice has provided guidance that organisations should take a proportionate approach to implementing procedures to prevent bribery based on risk, and recommends six principles of compliance:

**Proportionate Procedures:** The school will ensure it has procedures in place to prevent bribery by persons associated with it which are proportionate to the bribery risks it faces and to the nature, scale and complexity of the school's activities. It will ensure that these are clear, practical, accessible, effectively implemented and enforced.

**Top-Level Commitment:** The Headteacher, Board of Governors and the Business Manager are committed to preventing bribery by persons associated with the Academy. They will foster and promote a culture within the school in which bribery is never acceptable.

**Risk Assessment:** The school will assess the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment will be periodic, informed and documented. In assessing the risks, the Academy will pay particular attention to its dealings with territories which are perceived to have a high level of corruption

**Due Diligence:** The school will apply due diligence procedures, taking a proportionate and risk-based approach, in respect of persons who perform or will perform services for or on behalf of the Academy in order to mitigate identified bribery risks. It will take the appropriate action in response to any information uncovered as a result of the due diligence which gives rise to concern.

**Communication:** The school will seek to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication.

**Monitoring and Review:** The school will monitor and review procedures designed to prevent bribery by persons associated with it and make improvements where appropriate. The Academy will ensure that it takes appropriate action in response to any reported incidents of bribery.

The school's Anti-Bribery policy will be reviewed in line with any legislative changes and any changes in the school's activities. With knowledge of where risks lie, management can assess and minimise the school's exposure to bribery and corruption and target develop an efficient compliance programme to mitigate the dangers only in those areas of its operations which are really exposed. Listed below are the steps the Academy has taken to limit the risk of bribery through:

- carrying out a risk assessment covering bribery risks across the school;
- appointing a senior individual to be responsible for enforcing anti-bribery procedures (The Business Manager);
- developing a clear anti-bribery policy to make the parameters of what is acceptable clear to all staff;
- demonstrating governing body commitment to keeping the school free from the taint of bribery and corruption
- considering what measures can be taken to reduce the risk of bribery in relation to tendering for contracts for goods and services – e.g. ensuring a minimum number of quotes are obtained for any tender and that contracts are re-tendered at regular intervals;
- undertaking due diligence of suppliers, potential business partners and even parents – however, schools must ensure that they treat all suppliers, potential business partners and parents equally to avoid the risk of falling foul of the anti-discrimination legislation;
- Ensuring there are procedures in place for staff members to report and/or for the Academy to investigate any allegations of bribery and corruption(e.g. the whistle blowing policy)

**N.B** Risk assessments are a continual exercise and periodical reviews of the risk assessment will be undertaken by the Anti-Bribery compliance officer (the Business Manager) annually as part of the normal auditing procedure, and whenever the school changes its business procedures.