



THE NORTON KNATCHBULL SCHOOL ACADEMY TRUST

ANTI BRIBERY POLICY

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INTRODUCTION

This document sets out The Norton Knatchbull School's (The School) policy and advice to employees in dealing with bribery or suspected bribery. This policy details the arrangements made in the School for such concerns to be raised by employees or members of the public.

- 1) The Bribery Act 2010 introduces a new, clearer regime for tackling bribery that will apply to all businesses based or operating in the UK. It covers all sorts of bribery, the offering and receiving of a bribe, directly or indirectly, whether or not it involves a public official, in the UK or abroad. There are offences by individuals (and a corporate offence for corporates and partnerships), and penalties for non-compliance are serious.
- 2) Bribery is a criminal offence for both individuals and commercial organisations and can be punished with imprisonment of up to 10 years or unlimited fines. If any employee was accused of bribery, the School's reputation might be damaged considerably, and subsequent enforcement action will be time-consuming and hinder the School from focussing on its core business and service delivery.
- 3) The Bribery Act 2010 introduces four offences:
 - i) **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.
 - ii) **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.
 - iii) **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.
 - iv) **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.
- 4) It therefore is the policy of the School to prohibit any form of bribery covered by the Bribery Act 2010. The policy applies to The Norton Knatchbull School and all its employees, independent of their grade and position, and shall be respected at all times.
- 5) 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.
- 6) The School has procedures in place that reduce the likelihood of bribery occurring. These include Financial Regulations, documented procedures, a system of internal control (including Internal and External Audit) and a system of risk assessment.
- 7) This document sets out the School's policy for dealing with detected or suspected bribery and corruption.

1) DEFINITIONS

Definitions for bribery and corruption vary. Some common definitions are:

Bribery - "Inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages".

Corruption - This can be broadly defined as the offering or acceptance of inducements, gifts, favours, payment or benefit-in-kind which may influence the action of any person. Corruption

does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.

It is a common law offence of corruption to bribe the holder of a public office and it is similarly an offence for the office holder to accept a bribe.

2) SCOPE

2.1 This policy relates to all forms of bribery and is intended to provide direction and help to employees who may identify suspected bribery. The overall aims of this policy are to:

- a) improve the knowledge and understanding of everyone in the School, irrespective of their position, about the risk of bribery within the organisation and its unacceptability
- b) assist in promoting a climate of openness and a culture and environment where staff feel able to raise concerns sensibly and responsibly
- c) set out the School's responsibilities in terms of the deterrence, prevention, detection and investigation of bribery and corruption
- d) ensure the appropriate sanctions are considered following an investigation, which may include any or all of the following:
 - criminal prosecution
 - civil proceedings
 - internal / external disciplinary action(including professional / regulatory bodies)

2.2 This policy applies to all employees of the School, regardless of position held, as well as consultants, vendors, contractors, and / or any other parties who have a business relationship with the School. It is incumbent on all of the above to report any concerns they may have concerning bribery.

2.3 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the School's Equal Opportunities Policy.

2.4 The School wishes to encourage anyone having reasonable suspicions of bribery to report them. The School's policy, which will be rigorously enforced, is that no individual will suffer any detrimental treatment as a result of reporting reasonably held suspicions. The Public Interest Disclosure Act 1998 came into force in July 1999 and gives statutory protection, within defined parameters, to staff that make disclosures about a range of subjects, including bribery and corruption, which they believe to be happening within the organisation employing them. Within this context, 'reasonably held' means suspicions other than those which are raised maliciously and are subsequently found to be groundless.

2.5 Any unfounded or malicious allegations will be subject to a full investigation and appropriate disciplinary action.

2.6 The School expects anyone having reasonable suspicions of bribery to report them to the School Business Manager who will then ensure that procedures are followed. Concerns can also be raised through the School's Whistleblowing Policy. We require all of our employees and anyone else associated with the School to follow this policy and to comply with all applicable anti-bribery and corruption laws. It is the responsibility of all of us to make sure that we uphold our values and that all of our dealings are legitimate.

2.7 If you believe that anyone associated with the School is acting in a way that may contravene the law or that could put the company at risk then it is your duty to report the matter as soon as possible.

3. POLICY

3.1 All employees have a personal responsibility to protect the School from bribery or corruption.

3.2 The School is absolutely committed to maintaining an honest, open and well-intentioned atmosphere, so as to best fulfil its objectives. It is, therefore, also committed to the elimination of bribery, to the rigorous investigation of any such allegations and to taking appropriate action against wrong doers, including possible criminal prosecution.

3.3 Off-the-book accounts and false or deceptive booking entries are strictly prohibited. All gifts, payments or any other contribution made under the Anti-Bribery Policy and these guidelines, whether in cash or in kind, shall be documented, regularly reviewed, and properly accounted for on the books of the School. Record retention and archival policy must be consistent with the School's accounting standards, tax and other applicable laws and regulations.

3.4 The School procures goods and services ethically and transparently with the quality, price and value for money determining the successful supplier / contractor, not by receiving (or offering) improper benefits. The School will not engage in any form of bribery, neither in the UK nor abroad. The School and all employees, independent of their grade and position, shall at all times comply with the Bribery Act 2010 and with this policy.

3.5 The School's employees will not request or receive a bribe from anybody, nor imply that such an act might be considered. This means that you will not agree to receive or accept a financial or other advantage from a former, current or future client, business partner, contractor or supplier or any other person as an incentive or reward to perform improperly your function or activities.

3.6 Bribing anybody is absolutely prohibited. The School's employees will not pay a bribe to anybody. This means that you will not offer, promise, reward in any way or give a financial or other advantage to any person in order to induce that person to perform his / her function or activities improperly.

3.7 The School may, in certain circumstances, be held responsible for acts of bribery committed by intermediaries acting on its behalf such as subsidiaries, clients, business partners, contractors, suppliers, agents, advisors, consultants or other third parties. The use of intermediaries for the purpose of committing acts of bribery is prohibited.

3.8 All intermediaries shall be selected with care, and all agreements with intermediaries shall be concluded under terms that are in line with this policy. The School will contractually require its agents and other intermediaries to comply with the Anti-Bribery Policy and to keep proper books and records available for inspection by the School, auditors or investigating authorities. Agreements with agents and other intermediaries shall at all times provide for the necessary contractual mechanisms to enforce compliance with the Anti-Bribery regime. The School will monitor performance and, in case of non-compliance, require the correction of deficiencies, apply sanctions, or eventually terminate the agreement even if this may result in a loss of business.

3.9 All employees should be aware that bribery will normally, dependent upon the circumstances of the case, be regarded as gross misconduct thus warranting summary

dismissal without previous warnings. However, no such action will be taken before a proper investigation and a disciplinary hearing have taken place. Such actions may be in addition to the possibility of criminal prosecution.

4. FACILITATION PAYMENTS

- 4.1 Facilitation payments are small payments made to secure or expedite the performance of a routine action by a government official or agency (e.g. issuing licenses or permits, installation of a telephone line, processing goods through customs, etc.) to which the payer (or the company) has legal or other entitlement.
- 4.2 Facilitation payments are prohibited under the Bribery Act like any other form of bribe. They shall not be given by the School or the School's employees in the UK or any other country.

5. GIFTS AND HOSPITALITY

- 5.1 Courtesy gifts and hospitality must not be given or received in return for services provided or to obtain or retain business but shall be handled openly and unconditionally as a gesture of esteem and goodwill only. Gifts and hospitality shall always be of symbolic value, appropriate and proportionate in the circumstances, and consistent with local customs and practices. They shall not be made in cash. (Please refer to the School's Gifts and Hospitality policy and register for more guidance).

6. POLITICAL & CHARITABLE CONTRIBUTIONS

- 6.1 The School does not make any contributions to politicians, political parties or election campaigns.
- 6.2 As a responsible member of society, the School may make charitable donations. However, these payments shall not be provided to any organisation upon suggestion of any person of the public or private sector in order to induce that person to perform improperly the function or activities which he or she is expected to perform in good faith, impartially or in a position of or to reward that person for the improper performance of such function or activities..
- 6.3 Any donations and contributions must be ethical and transparent. The recipient's identity and planned use of the donation must be clear, and the reason and purpose for the donation must be justifiable and documented. All charitable donations will be publicly disclosed.

7. SPONSORING

- 7.1 Sponsoring means any contribution in money or in kind by the School towards an event organised by a third party in return for the opportunity raise School's profile. All sponsoring contributions must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the consideration offered by the event host. They may not be made towards events organised by individuals or organisations that have goals incompatible with the School's ethical standards or that would damage the School's reputation. All sponsorships will be publicly disclosed.
- 7.2 Where commercial sponsorship is used, the sponsorship must be transparent, pursuant to a written agreement and for legitimate business purposes.

8. EXTERNAL COMMUNICATIONS

- 8.1 Individuals (be they employees, agency staff, locums, contractors or suppliers) must not communicate with any member of the press, media or another third party about a

suspected act of bribery as this may seriously damage the investigation and any subsequent actions to be taken. Anyone who wishes to raise such issues should discuss the matter with either the School Business Manager or their Representative.

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