

Anti Bribery Policy



Governors Meeting:	21 November 2022
Safeguarding Governor:	Jane Owens
Chair of Governors:	Gail Webb
Review:	21 November 2023

Anti-Bribery Policy and Framework

Introduction

The purpose of this document is to provide guidance to all employees concerning compliance with the Bribery Act 2010. This guidance relates to specific control measures within Huxley CE Primary designed to mitigate the risk of bribery.

Bribery is Illegal

Bribery is a crime. The Bribery Act 2010 not only makes paying or taking a bribe illegal, i.e. the person who pays or takes a bribe has committed a crime, but also holds commercial organisations liable for failing to prevent bribery by those working on its behalf, even indirectly (such as through agents, contractors, suppliers, non-UK subsidiaries and intermediaries).

The only defence a company has to the crime of failing to prevent bribery is if the company can prove that it had in place adequate procedures designed to prevent bribery by those performing services on its behalf (which includes third parties).

Anti-Bribery Policy

The School does not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor do we, or will we, accept bribes or improper inducements. Employees and others working on its behalf (e.g. agency workers, volunteers, contractors etc.) may not offer, promise or give a bribe to anyone, and may not request, agree to accept, or take a bribe from anyone.

To use a third party as a conduit to channel bribes to others is a criminal offence. We do not, and will not, engage indirectly in or otherwise encourage bribery. We are committed to the prevention, deterrence and detection of bribery. We have zero-tolerance towards bribery.

Recognising Bribery and Corruption

A bribe could involve:

- The direct or indirect promise, offer, authorisation, or provision of anything of value
- The offer or receipt of any “kickback”, loan, fee, commission, reward, or other advantage
- The giving of contributions or donations designed or stipulated to influence the recipient to act in the giver’s favour.

The purpose of a bribe is often to obtain, retain or “facilitate” business, where the person receiving the bribe is, or may be, in a position to provide that kind of business advantage to the party offering the bribe. This may involve sales initiatives, such as tendering and contracting; or, it may simply involve the handling of administrative tasks such as licences, customs, taxes or import/export matters. It does not matter whether the act of bribery is committed before or after the tendering of a contract or the completion of an administrative task.

Where do Bribery and Corruption Risks Typically Arise?

This section deals with some specific situations that may present concern about the potential for bribery or corruption.

<p>Use of Agents</p>	<p>Because the actions of an Agent can expose the school to liability under law, a level of due diligence appropriate to the market should be undertaken prior to their appointment and retention or at renewal of any agreement (the term Agent is defined as agents, representatives, consultants, brokers, contractors, suppliers, co-publishers or any other intermediary that provides services on behalf of the school. If required by a risk assessment, certain provisions should be included in an Agent's agreement regarding the Agent's compliance with appropriate laws.</p>
<p>Giving and Receiving Gifts</p>	<p>The school's employees must never seek or request gifts, or personal preferential treatment in any matter, from any person or organisation. School policy generally permits the giving and receiving of business gifts of 'Nominal Value' that are customary business courtesies and are reasonable in value and frequency. See the Gifts and Hospitality and Code of Conduct policies for further details.</p>
<p>Hospitality and Entertainment</p>	<p>Bona fide hospitality and promotional, or other business expenditure which seeks to improve the image of the school, better to present products and services, or establish cordial relations, is recognised as an established and important part of doing business. Hospitality, entertainment or other similar expenses are not permitted:</p> <ul style="list-style-type: none"> • if it might influence the outcome of a business transaction, whatever the value of the expense, or if a reasonable individual could interpret it that way • for the purpose of facilitating or expediting any decision to award new business, to renew existing business or to take any other action • given for personal benefit, friendship, personal acquaintances or family purposes. <p>See the Gifts and Hospitality and Code of Conduct policies for further details.</p>
<p>Facilitation Payments</p>	<p>Facilitation payments are defined as "any facilitating payment or expediting payment to a political party, or party official the purpose of which is to expedite or to secure the performance of a routine governmental action." Facilitation payments are illegal under UK law. No employee of the school or Agent may willingly offer to make, or make, a facilitation payment.</p>
<p>Payments to Facilitate Tax Evasion</p>	<p>The school will not facilitate the evasion of tax by a customer, supplier or other third party.</p>

Anti-Bribery Procedures

The school shall regularly and systematically identify bribery and corruption risks in its business and implement adequate risk-based procedures aimed at preventing bribery and corruption occurring, including:

- **Communication** – We will communicate this policy and relevant guidance to employees through our established internal communication channels. We will also communicate this policy to our suppliers, contractors and business partners and wider stakeholders.
- **Training** – We will ensure that those within the scope of the policy receive training appropriate to their activities and the associated risks.
- **Records** – We will maintain adequate records which properly and fairly document all financial transactions. We will maintain written evidence to record compliance with this policy.
- **Audit** – Our internal control systems will be subject to regular internal and independent audit to provide assurance that they are effective in countering bribery and corruption.
- **Business relationships** – We will address bribery and corruption risk in our supply chain including our contractors, suppliers, agents, brokers and joint venture partners, for example by ensuring that payments made for goods and services are reasonable and accord with the Council's Finance and Contract Procedure Rules.
- **Conflicts of interest – gifts and hospitality** – We will address conflicts of interest and the risks created by gifts and hospitality through the implementation of our internal policies.

Responsibilities

The Governing Body has the primary responsibility for implementing the Anti-Bribery Policy and Framework within the school.

The prevention, detection and reporting of bribery and other forms of corruption is the responsibility of all those working for the organisation or under its control. All staff are required to avoid activity that breaches this policy.

Breaches of this policy may result in further action being taken. This includes disciplinary action.

All staff and members must:

- ensure that they read, understand and comply with this policy
- raise concerns immediately if it is believed or suspected that a conflict with this policy has occurred, or may occur in the future.

Raising a Concern and Seeking Guidance

The school is committed to ensuring that all employees have a safe, reliable and confidential way of reporting any suspicious activity. We want each and every member of staff to know how they can raise concerns.

We all have a responsibility to help detect, prevent and report instances of bribery and potential or suspected corruption in the school or by any individual or organisation with which the school does business.

Reports must be made immediately.

The sooner employees act, the sooner it can be resolved. There are multiple channels to help employees raise concerns.

The report may be made directly to:

- the Fraud and Investigations Manager – 01244 977375 or fraud@cheshirewestandchester.gov.uk
- by using the Whistleblowing helpline – 01244 973223 or whistleblowing@cheshirewestandchester.gov.uk

Refer to the Whistleblowing Policy on the school website or on the Local Authority intranet Whistleblowing pages.

If any instance of bribery or corruption is identified, an investigation will take place. If staff have a concern regarding a suspected instance of bribery or corruption, please speak up; their information and assistance will help. Failure to do so may result in liability for the school and personally for an individual, including prosecution and/or disciplinary action against staff.

Staff and Governors that refuse to accept or offer a bribe, or those who raise concerns or report wrong-doing can understandably be worried about the repercussions. The school aims to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken. The school is committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or corruption, or because of reporting a concern in good faith. To seek advice or guidance on any anti-bribery and corruption matters, staff should contact the Local Authority Fraud and Investigations Manager in Internal Audit or a member of the Legal Services team.

Monitoring and Review

Internal Audit is responsible for the assessment of compliance with this policy. The Senior Manager - Internal Audit will report on compliance with this policy to the Audit and Governance Committee and disclose any material non-compliance. The Audit and Governance Committee may also make an independent assessment of the adequacy of the policy in response to an event such as an instance of bribery

Key Contacts and Additional Information

For any questions about these procedures, please contact:

Internal Audit - Fraud and Investigations Manager – Helen Peters
Telephone: 01244 977375 Email: helen.peters@cheshirewestandchester.gov.uk

Legal Services - Solicitor – Anne Greenwood
Telephone: 01244 972234 Email: anne.greenwood@cheshirewestandchester.gov.uk