



Chalfont Valley E-ACT Primary Academy

Bribery & Corruption in England and Wales

This policy was reviewed by E-ACT on/by:

Date: **Insert text**

Department(s): **Insert text**

This policy was ratified/reviewed by Governors on:

Date: April 1st 2014

Date: **Insert text**

Date: **Insert text**

Frequency of review: Every **Insert text** year(s)

Note: This document uses the most current Government information and guidance at the time of writing. It may change according to Government policy. Contact E-ACT Head Office with any questions.

E-ACT

POLICY DOCUMENTS

This page is intentionally left blank

Areas for customisation and/or notes to governors are in orange text.

Annex 1

Statement of policy

All E-Act employees must:

- comply with the anti-bribery and anti-corruption laws of the United Kingdom and any other country or territory in which they do business;
- not offer or make any bribe or corrupt payment either directly or indirectly (through agents or other third parties) to any organisation or person;
- not accept any bribe, kickback or other improper payment from any organisation or person designed to secure favoured treatment for or from E-ACT; and
- be diligent in selecting and monitoring contractors, agents, representatives and other third parties who provide services for E-ACT or on its behalf.

Scope of policy

Applies to everyone in England and Wales.

Rationale

E-ACT is committed to conducting our business fairly, honestly and openly, and has a zero-tolerance approach towards bribery and corruption.

This policy sets out the detailed requirements of the Bribery Act 2010 and corruption laws, standards and principles in England and Wales to ensure compliance by all staff.

What is a bribe?

A bribe is any gift, payment or other benefit which is offered or given with the intention of inducing improper conduct on the part of the recipient or securing an undue or improper advantage. An actual bribe need not be made: it is a breach of the law if it is requested or offered.

NB Excessive or inappropriate hospitality and entertainment can amount to bribery (please see the *Gifts and Hospitality Policy*).

The offences of making or receiving bribes apply to government or other public officials and private persons or companies. A gift, payment or hospitality given to an employee of a

private company intended to make him/her act contrary to his/her duties to his/her employer is a bribe.

- *Example: you may **not** agree to give a 'kickback' to an employee of a client in exchange for them engaging E-ACT.*
- *Example: you may **not** agree with, or permit, an 'introducer' who brings in work for E-ACT to make a payment to a potential or existing client on E-ACT's behalf.*

Government officials

The definition of a foreign public official is very broad and the rules in relation to public officials are particularly strict. Any gift, payment or other benefit offered or given to a foreign public official with the intention of obtaining or retaining a business advantage can amount to a bribe, including a charitable donation which is requested by the official.

- *Example: you may not entertain a government official to help persuade that official to award or renew a licence*

Facilitation payments

There is now a new total prohibition on making small payments to officials in order for the transactional process to be speeded up, these payments not required legally, but made as part of local business practice and referred to as "Facilitation payments".

- *Example: you may not make a small payment to an official that is not a legally prescribed fee to allow some administrative procedure to occur more quickly.*

Third parties

E-ACT could also be liable for third parties who act on our behalf such as sub-contractors or agents if they pay a bribe specifically to get business, keep business or gain a business advantage for E-ACT. This does not apply to non E-ACT business. This could amount to E-ACT being liable for the new offence of failure to prevent bribery. The only defence to failure to prevent bribery is to have "adequate procedures" in place, which means E-ACT must carry out appropriate due diligence on its higher risk third party agents. You should be suspicious of all agents who will not answer straightforward questions or who suggest elaborate methods of paying them e.g. through third parties.

- *Example: you may not permit a sub-contractor to E-ACT to make a payment to the mayor of a local town or to fund his charitable project in order for the development project they are acting on to be approved.*

Responsibilities

Chris Balderstone will act as the Compliance Officer, contact Chris.Balderstone@E-ACT.org.uk. Advice can be sought from Chris Balderstone or any member of the legal team.

It is the responsibility of each E-ACT employee, without exception, to comply with this policy. Each line manager must ensure that his/her staff are made aware of this policy.

Academy Principals and Finance Directors will be responsible for ensuring that the Policy is observed at an Academy and should report compliance to the Local Governing Body on a termly basis.

If an employee is in doubt about a given situation then he/she should consult the SLT, who should refer it to the Compliance Officer for consideration.

It is not possible for this policy to set out all the situations that may constitute a breach of the anti-bribery and corruption laws. All employees must exercise their own judgement, initiative and common sense when dealing with issues within the context of the principles set out in this policy.

Books and records

All transactions must be properly and fairly recorded. All books and records will be open to inspection by the Finance team and auditors, and other parties. There must be no "off book" or secret accounts, and no documents may be created which do not fairly and accurately reflect the transactions to which they relate.

Please also see the Gifts and Hospitality Policy for the recording of gifts and hospitality.

What to do on becoming aware of potential issue

Clients – if any client or prospective client requests the payment of any form of bribe or inappropriate hospitality from E-ACT, you must report this immediately to the SLT, who then must inform the Compliance Officer directly.

Reporting and “Whistleblowing” – all E-ACT employees are required immediately they become aware to report any breaches or potential breaches of this policy to the Compliance Officer All such reports will be investigated, in confidence as far as possible.

Penalties for breach

Individuals – the penalties for individuals on conviction are severe, and may include imprisonment up to 10 years for all individuals involved.

Corporate – E-ACT itself, officers and directors may be liable to severe financial penalties for bribery committed by employees, contractors, agents, representatives and other third parties who provide services for or on E-ACT's behalf.

Third parties – any breach of this policy by any contractor, agent, consultant or supplier will normally result in E-ACT's contract with any such party being terminated insofar as its terms or law permits.

Investigations – any breach, or suspected breach, of this policy will be investigated and appropriate disciplinary action taken as necessary, which may include reporting to appropriate authorities.

Disciplinary action – any breach of this policy may result in disciplinary action being taken under local disciplinary procedures, and may lead to dismissal if it constitutes gross misconduct. E-ACT will support any employee or officer who makes such a report and will ensure that the report is treated appropriately. No disciplinary action may be taken against any person who makes a legitimate report, even if the suspicions reported turn out to be incorrect. Disciplinary action may be taken against any person who attempts to victimise or discriminate against a person making such a report.

Situations outside this policy

Improved Service for a Higher Price – some service providers offer all customers on an open basis improved service in exchange for a higher price. A payment which is routinely required of all those who seek more rapid or efficient service is not a bribe or facilitation payment and not illegal. It is allowed under this Policy.

Risks to Personal Safety – in the rare circumstance where E-ACT personnel may face immediate risks to their personal safety, such as extortion backed by physical threats, the individual involved should take any reasonable action to remove himself/herself from physical danger as soon as possible. Once the employee in question is able to do so, a full report should be made to the Compliance Officer, as well as to the authorities.

Exception procedure

None.

Date of adoption

2012 by Board, version 1

Owner of policy:

Compliance Officer (Director of Legal Services)

Insert text

This policy was ratified reviewed (tick one) by the Local Governing Body on (date).

Insert text

Insert text

Signed, Chair of Governors

Date

Insert text

Print name