

<b>Title</b>	Anti-Bribery & Corruption
<b>Associated Policies</b>	<ul style="list-style-type: none"> <li>• Whistleblowing (TPO/STA/19)</li> <li>• Professional and Safe Conduct (TPO/STA/10)</li> <li>• Procurement Policy (TPO/FIN/04)</li> <li>• Modern Slavery and Human Trafficking Statement</li> </ul>

REVIEWED: August 2016

NEXT REVIEW: September 2022

**1. Policy Statement**

- 1.1 The Brooke Weston Trust is committed to operating fairly, honestly and with integrity. As part of this overall commitment, The Brooke Weston Trust has a zero-tolerance policy in relation to bribery and corruption. This includes a commitment to comply with all applicable anti-bribery and corruption laws and regulations and, in particular, the Bribery Act 2010. Brooke Weston Trust will also comply with the provisions set out in the ESFA Academies Financial Handbook.
- 1.2 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 Academy’s/Trust’s reputation may be damaged considerably and subsequent enforcement action will be time-consuming and hinder the Trust from focusing on its core business delivery.
- 1.3 This policy sets out advice to employees in dealing with bribery or suspected bribery and corruption, detailing the arrangements made for such concerns to be raised by employees or members of the public.

**2. Who does this policy apply to?**

- 2.1 This policy requires all staff and anyone else associated with The Brooke Weston Trust (for example, consultants, vendors, contractors and any other parties who have a business relationship with the Trust) to follow this policy and to comply with all applicable anti-bribery and corruption laws. It will be brought to the attention of all employees and form part of the induction process for new staff.
- 2.2 It is the responsibility of the Academy to make sure that it upholds The Brooke Weston Trust’s values and that all of their dealings are legitimate.
- 2.3 The Brooke Weston Trust requires that all staff and everyone working or performing any service on or on behalf of the Trust neither accept nor give bribes. Staff must:
  - Act honestly with integrity at all times to safeguard the Trust’s resources for which they are responsible
  - Comply with the law (both in spirit and to the letter)
  - Abide by this policy.

**3. Who is responsible for carrying out this policy?**

- 3.1 The implementation of this policy will be monitored by the Senior Leadership Team and Governors and remain under review by The Brooke Weston Trust (Finance & Resources Committee).
- 3.2 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust’s Single Equality Policy.
- 3.3 See paragraph 10 for a summary of the roles and responsibilities for carrying out this policy.

**4. What are the principles behind this policy?**

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

- Improve the knowledge and understanding of everyone in the Trust about the risk of bribery within the organisation and its unacceptability
  - Assist in promoting a climate of openness and a culture and environment where staff feel able to raise concerns sensibly and responsibly
  - Set out the Trust's responsibilities in terms of the deterrence, prevention, detection and investigation of bribery and corruption
  - Ensure appropriate sanctions are considered following an investigation, including: criminal prosecution; civil proceedings, disciplinary action (including professional/regulatory bodies).
- 4.2** Compliance with the law helps to maintain and enhance the Trust and individual academy's reputation and reflects our goal to serve the best interests of our pupils.
- 4.3** Compliance protects The Brooke Weston Trust, its staff and anyone else associated with it from the severe consequences of breaking the law. Penalties in the UK include unlimited fines in the case of The Brooke Weston Trust and unlimited personal fines and up to ten years' imprisonment in the case of individuals.
- 4.4** 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.

## 5. Procedures

- 5.1** 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 (this includes public, state or business activities or any activity performed in the course of a person's employment, or on behalf of another Academy or individual, where the person performing that activity is expected to perform it in good faith, impartially, or in accordance with a position of trust); or
  - Knowledge or belief that accepting such a reward would constitute the improper performance of such a function or activity.
- 5.2** A criminal offence will be committed under the Bribery Act 2010 if:
- An employee or associated person acting for, or on behalf of, The Brooke Weston Trust offers, promises, gives, requests, receives or agrees to receive bribes; or
  - An employee or associated person acting for, or on behalf of, The Brooke Weston Trust 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 Brooke Weston Trust does not have the defence that it has adequate procedures in place to prevent bribery by its employees or associated persons.

For the avoidance of doubt, it is unacceptable to:

- Give, promise to give, or offer payment, gifts or hospitality with the expectation or hope that a favourable advantage will be received, or to reward a favourable advantage already given
- Give, promise to give, or offer payment, gifts or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure
- Accept payment from a third party that is offered with the expectation that it will obtain a favourable advantage for them, whether known or suspected

- Accept a gift or hospitality from a third party if it is offered or provided with an expectation that a favourable advantage will be provided by the Trust in return, whether known or suspected
- Retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy
- Engage in any activity which may breach this policy.

- 5.3** All staff are required to take particular care to ensure that all Trust and Academy records are accurately maintained in relation to any contracts or business activities, including financial invoices and all payment transactions with clients, suppliers and public officials. All gifts, payments or any other contribution made under the Anti-Bribery and Corruption Policy and these guidelines, whether in cash or kind, shall be documented, regularly reviewed, and properly accounted for in the Trust accounts.
- 5.4** Due diligence should be undertaken by staff prior to entering into any contract, arrangement or relationship with a potential supplier of services, agent, consultant or representative.
- 5.5** The Trust 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 Trust will not engage in any form of bribery. The Trust and all employees shall at all times comply with the Bribery Act 2010 and with this policy.
- 5.6** The Trust may be held responsible, in certain circumstances, 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.
- 5.7** 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 Trust will contractually require its agents to comply with the Anti-Bribery Policy and to keep proper records available for inspection by the Trust, auditors or investigating authorities. The Trust will monitor performance and, in case of non-compliance, require the correction of deficiencies, apply sanctions, or eventually terminate the agreement.
- 5.8** All 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 or contractor or supplier as an incentive or reward to perform improperly your function or activities.
- 5.9** The Trust has procedures in place that reduce the likelihood of bribery occurring. These include the Financial Handbook, documented procedures, a system of internal control (including internal and external audit) and a system of risk assessment.

## 6. Raising Concerns

- 6.1** The Trust wishes to encourage anyone having reasonable suspicions of bribery to report them. If you believe that anyone associated with The Brooke Weston Trust is acting in a way that may contravene the law or that could put The Brooke Weston Trust and the Academy at risk, then it is your duty to report the matter as soon as possible. If you are uncomfortable talking to your line manager or your Principal or you do not receive a satisfactory response then you should contact the Director of Finance.
- 6.2** The law can be complex and it will not always be clear how the law applies in every situation. Therefore, any questions or concerns about the application of the law to specific situations should be directed to the Director of Finance. In order to ensure compliance with the law, you should ensure also that you follow our policies and procedures in relation to gifts and entertainment and claiming.

- 6.3 No individual will suffer any detrimental treatment as a result of reporting reasonably held suspicions. However, any unfounded or malicious allegations will be subject to a full investigation and appropriate disciplinary action.

## 7. Corporate entertainment, gifts, hospitality and promotional expenditure procedures

- 7.1 The Brooke Weston Trust permits corporate entertainment, gifts, hospitality and promotional expenditure that is undertaken:
- For the purpose of establishing or maintaining good business relationships
  - To improve the image and reputation of The Brooke Weston Trust; or
  - To present The Brooke Weston Trust 's services effectively
- provided that it is:
- Arranged in good faith, and
  - Not offered, promised or accepted to secure an advantage for The Brooke Weston Trust or any of its employees or associated persons or to influence the impartiality of the recipient.
- 7.2 The Academy on behalf of the Trust will only authorise reasonable, appropriate and proportionate entertainment and promotional expenditure.
- 7.3 Staff should submit requests for proposed hospitality and promotional expenditure well in advance of proposed dates to the Principal or in the case of central team employees the CEO.
- 7.4 The Academy on behalf of the Trust will approve business entertainment proposals only if they demonstrate a clear business objective and are appropriate for the nature of the business relationship. The Academy on behalf of the Trust will not approve business entertainment where it considers that a conflict of interest may arise or where it could be perceived that undue influence or a particular business benefit was being sought (for example, prior to a tendering exercise).
- 7.5 Any gifts, rewards or entertainment received or offered from parents/carers, clients, public officials, suppliers or other business contacts should be reported immediately to the Principal or in the case of central team employees the CEO. In certain circumstances, it may not be appropriate to retain such gifts or be provided with the entertainment and employees and associated persons may be asked to return the gifts to the sender or refuse the entertainment, for example, where there could be a real or perceived conflict of interest or where the value exceeds £100. As a general rule, small tokens of appreciation, such as flowers or a bottle of wine, may be retained by staff. These are to be recorded on the Academy's gift register.
- 7.6 If a member of staff wishes to provide gifts to suppliers, clients or other business contacts, prior written approval from the Director of Finance is required, together with details of the intended recipients, reasons for the gift and business objective.

## 8. Related Party Transactions

- 8.1 Brooke Weston Trust will abide by the provisions as set out in the ESFA Academies Financial Handbook on all matters related to related party transactions.
- 8.2 A related party transaction is defined as 'where one party has control or influence over the other, or where the parties are subject to common control.' Related parties include:
- parties with control over, or controlled by, the entity (for example parent and subsidiary companies)
  - parties having significant influence over the entity
  - key management personnel of the entity, including any director, whether executive or otherwise
  - close family members of any of the above
  - others subject to control or significant influence by any individual referred to above

Such transactions are permitted under company law, charity law and under the Academies Financial Handbook, provided that open and transparent procurement procedures have been followed, and any potential conflicts of interest are adequately and appropriately managed.

**8.3** The Trust is committed to being fair and transparent in its relationships with connected parties, ensuring:

- All members, trustees, local governors and senior employees have completed the register of interests which is published on the Trust website, including:
  - directorships, partnerships and employments with businesses
  - trusteeships and governorships at other educational institutions and charities
  - for each interest: the name of the business; the nature of the business; the nature of the interest; and the date the interest began
- No member, trustee, local governor, employee or related individual or organisation uses their connection to the trust for personal gain, including payment under terms that are preferential to those that would be offered to an individual/organisation with no connection to the Trust
- There are no payments to any trustee by the Trust unless these are permitted by the articles, or by authority from the Charity Commission, and comply with the terms of any relevant agreement with the secretary of state
- The Charity Commission's prior approval is obtained where the trust believes a significant advantage exists in paying a trustee for acting as a trustee
- Sufficient records are kept, making sufficient disclosures in the Trust's annual accounts to show transactions with these and other related parties are conducted
- From 1<sup>st</sup> April 2019, the Trust reports all transactions with related parties to ESFA in advance of the transaction taking place
- Prior approval is sought from ESFA for all single contracts or agreements with a related party exceeding £20,000 or a contract or agreement of any value means the total value of contracts or agreements with the same related party exceeds £20,000 in a financial year.

## 9. At Cost Requirements

**9.1** The Trust is committed to ensuring that it pays no more than 'cost' for goods or services provided to it by the following parties ('services' do not include services provided under a contract of employment):

- Any member/trustee of the academy trust
- Any individual/organisation connected to a member/trustee of the academy trust, such as:
  - Close family members
  - Individuals/organisations in business partnership with the member/trustee or a relative of the member/trustee
  - A company in which a trustee/member or the relative of a trustee/member holds more than 20% of the share capital or is entitled to exercise more than 20% of the voting power at any general meeting of that company
  - An organisation which is controlled by a trustee/member or the relative of a trustee/member
- Any individual/organisation that's given the right under the trust's articles of association to appoint a member/trustee of the academy trust; or any body connected to such individual/organisation (i.e. controls, is controlled by or is under common control with the individual/organisation)
- Any individual/organisation recognised by the secretary of state as a sponsor of the academy trust; or any body connected to such an individual/organisation

**9.2** The Trust will ensure that any agreement with an individual or organisation referred to in section to supply goods or services to the trust is properly procured through an open and fair process and is:

- supported by a statement of assurance from that individual or organisation to the trust confirming their charges do not exceed the cost of the goods or services, and

- on the basis of an open book agreement including a requirement for the supplier to demonstrate clearly, if requested, that their charges do not exceed the cost of supply.

## 10. Roles and Responsibilities

### 10.1 Board of Directors

The Board has a duty to ensure that it provides a secure environment in which to work, and one where people are confident to raise concerns without worrying that it will reflect badly on them. This extends to ensuring that staff feel protected when carrying out their official duties and are not placed in a vulnerable position. If staff have concerns about any procedures or processes that they are asked to be involved in, the Trust has a duty to ensure that those concerns are listened to and addressed.

10.2 The Trust therefore has a duty to ensure employees receive adequate training and support in order to carry out their responsibilities.

### 10.3 Employees

Directors and staff at all levels will lead by example in acting with the utmost integrity and ensuring adherence to all relevant regulations, policies and procedures.

10.4 Employees must act in accordance with the Academy Trust's Gifts and Hospitality and Declaration of Interest Policies which include guidance on the receipt of gifts or hospitality

10.5 Employees who are involved in receiving offers of sponsorship, funding or gifts from outside agencies also should comply with their own professional codes of practice. Professional staff must also make themselves aware of their own professional body codes of conduct.

10.6 All employees responsible for authorising orders are to report all transactions with related parties to the Director of Finance who will notify the ESFA in advance of the transaction taking place.

### 10.7 Managers

Line managers at all levels have a responsibility to ensure that an adequate system of internal control exists within their areas of responsibility and that controls operate effectively. The responsibility for the prevention and detection of bribery therefore primarily rests with managers but requires the co-operation of all employees

10.8 As part of that responsibility, line managers need to:

- Inform staff of the Trust's code of gifts and hospitality, declaration of interest and counter fraud and Anti-Bribery policies as part of their induction process, paying particular attention to the need for accurate completion of personal records and forms;
- ensure that all employees for whom they are accountable are made aware of the requirements of the policy;
- assess the types of risk involved in the operations for which they are responsible;
- ensure that adequate control measures are put in place to minimise the risks. This must include clear roles and responsibilities, supervisory checks, staff rotation (particularly in key posts), separation of duties wherever possible so that control of a key function is not invested in one individual, and regular reviews, reconciliations and test checks to ensure that control measures continue to operate effectively;
- be aware of the Trust's Anti-Bribery Policy;
- identify sensitive / at-risk posts;
- ensure that controls are being complied with;
- contribute to their assessment of the risks and controls within their business area, which feeds into the Trust's statements of accountability and internal control

10.9 All instances of actual or suspected bribery, which come to the attention of a manager, must be reported immediately. It is appreciated that some employees will initially raise concerns with their manager, however, in such cases managers must not attempt to investigate the allegation themselves, and they have the clear responsibility to refer the concerns to the Finance Director as soon as possible.

**10.10 Finance Director**

The Finance Director monitors and ensures compliance with anti-fraud and corruption measures and activity.

**10.11** The Finance Director will decide whether there is sufficient cause to conduct an investigation, and whether the Police, External Audit or the ESFA need to be informed.

**10.12** The Finance Director will consult and take advice from Principal or in the case of the Central Team the CEO if a member of staff is to be interviewed or disciplined. The Finance Director will not conduct a disciplinary investigation, but the employee may be the subject of a separate investigation by the Principal or in the case of the Central Team the CEO.

**10.13** The Finance Director will, depending on the outcome of investigations (whether on an interim/ongoing or a concluding basis) and / or the potential significance of suspicions that have been raised, inform the Chair of the Brooke Weston Trust, the External Auditors and ESFA of cases, as may be deemed appropriate or necessary.

**10.14 Human Resources**

The Principal or CEO for the Central Team will liaise closely with Managers and from the outset, where an employee is suspected of being involved in bribery or corruption in accordance with agreed liaison protocols. The Principal or CEO is responsible for ensuring the appropriate use of the Trust’s Disciplinary Procedure. The Principal or CEO will consult the Trusts’ appointed personnel advisers and shall advise those involved in the investigation in matters of employment law and in other procedural matters, such as disciplinary and complaints procedures. Close liaison between the Police and the Trusts’ appointed personnel advisers will be essential to ensure that any parallel sanctions (i.e. criminal and disciplinary) are applied effectively and in a coordinated manner.

**10.15** New joiners will be bound by a contractual obligation in the employment contracts not to engage in bribery as defined in the Anti-Bribery Policy.

**10.16 Procurement**

Procurement practices will be conducted in a fair and transparent manner and not deal with contractors or suppliers known or reasonably suspected to be paying bribes. Before engaging contractors and suppliers, the Trust will undertake properly documented due diligence. Unless prospective contractors and suppliers have effective Anti-Bribery programmes in place, the Trust will contractually require them to comply with the Anti-Bribery Policy. Agreements with contractors and suppliers shall, at all times, provide for the necessary contractual mechanisms to enforce compliance with the Anti-Bribery arrangements.

**11. Policy Review**

**11.1** This policy will be monitored as part of the Trust and individual academy’s annual internal review and reviewed on a three-year cycle or as required by legislature changes.