



400 YEARS OF EXCELLENCE

Bribery Policy

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Policy review date	June 2024
Policy Lead	Matt Botheras
Governor or SLT approval	SLT
Governor committee responsible for policy	Finance

(The following refers to Richard Hale School, hereafter referred to as the School)

Background.

The Bribery Act 2010 (the Act) modernises the law on bribery. The Act came into force on 1 July 2011 following the Secretary of State for Justice's publication of guidance on the interpretation and use of the Act on 30 March 2011.

The Act applies to bribery offences committed by both individuals and companies, and has a near universal jurisdiction (ie an individual or company with links to the UK may be prosecuted under the Act regardless of where the crime was perpetrated).

The Act introduces four new offences:

- offering, promising or giving a bribe
- requesting, agreeing to receive or accepting a bribe
- bribing a foreign public official
- a corporate offence of failing to prevent bribery.

The Act also introduces a new crime of "failure to prevent" bribery which means that corporates and partnerships must be able to demonstrate that they have implemented "adequate procedures" to prevent corrupt practices within their own organisations or by third parties on their behalf. The Ministry of Justice's guidance on what constitutes adequate procedures is based on six principles which require an organisation to:

1. have procedures in place to prevent bribery which should be proportionate to the bribery risk it faces
2. demonstrate top level management commitment to preventing bribery
3. assess its exposure to risks of bribery
4. apply due diligence on those who perform services for it
5. ensure its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training
6. monitor and review its procedures to prevent bribery and make improvements where necessary

The guidance has provided clarification on hospitality, promotional and other business expenditure. Bona fide expenditure which seeks to improve the image of a commercial organisation to better present products and services or establish cordial relations is recognised as an established and important part of doing business. The Act does not prohibit reasonable and proportionate expenditure.

Payments to facilitate government action are considered to be bribes and are therefore prohibited by the Act regardless of the amount of the payment. However, the guidance recognises that there are circumstances in which individuals are left with no alternative but to make payments in order to protect against loss of life, limb or liberty. The common law defence of duress may be available in such circumstances.

Penalties for committing crime under the Act are:

- a maximum of 10 years' imprisonment and/or
- an unlimited fine and/or
- the potential for the confiscation of property under the Proceeds of Crime Act 2002 and/or
- disqualification of directors under the Company Directors Disqualification Act 1986

The School is committed to ensuring that it complies with the requirements of the Act and the policy to do so is set out below.

Commitment

The School is committed to ensuring that its stakeholders have complete confidence that its affairs are conducted in accordance with the highest standards of probity and accountability. As part of this commitment, the School is committed to combating bribery and corruption wherever it may arise in relation to any of its activities or services and, in achieving this aim, realises this involves any Governor or employee, or any other third party associated with the School's activities.

Standards

The School expects Governors and employees to demonstrate the highest standards of honesty, probity, openness and integrity in the discharge of their functions. This includes

- Compliance with appropriate legislation, codes of conduct, schemes of delegation, terms and conditions, standards of professional bodies and any other standards, guidelines or instructions which are relevant to the particular service or activity
- Providing a framework within which counter-bribery arrangements will flourish, and
- Promoting an anti-bribery culture within the Academy

Likewise, the School expects that all external individuals and organisations that it deals with, e.g. suppliers, contractors, parents and members of the public will act with honesty and integrity and without thought or actions involving bribery or other impropriety. In such relationships the principles outlined in the policy must be applied. Where external third parties become aware of bribery they should report their concerns promptly to the School.

Implementation

The School is committed to establishing and maintaining effective arrangements to prevent bribery and corruption. It recognises, however, that these cannot always be prevented and so effective arrangements have been established to detect, report and investigate all incidents or situations where they are suspected.

The School is committed to creating and maintaining an anti-bribery and corruption culture which promotes the highest standards of conduct and which enables Governors, employees and other external parties to express concerns and suspicions without fear of repercussion or intimidation and in the knowledge that the information will be treated confidentially and will be investigated fully and rigorously. This includes established reporting arrangements through the reporting wrongdoing procedure.

The School will not tolerate dishonesty on the part of any Governor, employee or any person or organisation involved in any way with the School. Where bribery or corruption is detected, the School will rigorously pursue appropriate action against the persons concerned including legal and/or disciplinary action, and wherever possible and deemed appropriate, will take action to recover any losses suffered.

The School is committed to working constructively with the police and other relevant agencies in relation to the combating of bribery and corruption within the School or within the wider public sector.

Policy

Governors and employees should not accept from or give to parents, suppliers or third parties any benefit, reward or gift (including hospitality) which might, or might be seen to, prejudice our integrity and objectivity in relation to the operation of the School.

- Prior approval by the Headteacher (or if in respect of the Headteacher, the Chair of Governors) is required where an employee wishes to accept or give any gift or benefit in kind, including hospitality, in excess of the School's guidance limit (currently £50).
- Prior approval by the Chair of Governors is required where a Governor of Richard Hale School wishes to accept or give any gift or benefit in kind, including hospitality, in excess of the School's guidance limit (currently £50).
- The Headteacher (or his delegate) must maintain a register recording all requests for approval of gifts and/or benefits in kind received or given – for employees and Governors.
- All employees and Governors must be provided with learning information about the Bribery Act in order to ensure compliance.
- Any instances of bribery and corruption within the School will be treated as gross misconduct leading to instant dismissal.

Responsibilities

Hospitality: If a situation arises where a parent, supplier or other third party offers any form of benefit/gifts, including hospitality, in excess of the guidance limit of £50 to either the school or an individual, the matter must be referred to the Headteacher or the Chair of Governors as appropriate, who will identify whether it is reasonable and proportionate and if it fits within the school's acceptable limits. The same procedure would apply if the school or an individual is considering giving any form of benefit to a parent, supplier or other third party.

Reporting suspicions: You should immediately report any suspicions or knowledge relating to bribery to the Headteacher. The Headteacher will decide, together with the Chair of Governors, whether a report should be made to the FSA for onward reporting to the Serious Organised Crime Agency. Employees and Governors who raise concerns of bribery and corruption in good faith may do so without fear of discrimination or reprisal.

Training and awareness: The School will seek to ensure that its stance on bribery and corruption is widely publicised both internally and externally to the School. All Governors, employees and other associated bodies/persons with whom the School conducts its business will be appropriately briefed as to this policy.

This policy will be reviewed annually.