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**The Diocese of Gloucester Academies Trust**

Anti-Bribery and

Corruption Policy

Status and review cycle; Non-statutory and every 2 years

Responsible group: The Trust

Implementation date: January 2014

Next Review Date: January 2020

# Anti-bribery and corruption policy

## Policy Statement

## 1 The Trust (DGAT) is committed to implementing effective measures to prevent, monitor and eliminate the risks of bribery and enforcing effective systems to counter bribery.

2 **Purpose & Scope:** This policy applies to all DGAT staff working in its academies, whether paid or unpaid, whatever their position, role or responsibilities and staff includes employees, governors, Directors, trustees contractors, and volunteers. It also applies to any person or body, acting on its behalf and any third party.

3 The purpose of this policy is to:

* 1. set out individual academy’s responsibilities, and of staff working for the academy, in observing and upholding its position on bribery and corruption; and
  2. provide information and guidance to those working for the academy on how to recognise and deal with bribery and corruption issues.

Application& Conduct

4 The Trust conducts its business activities in the UK and, if appropriate, oversees in an honest and ethical manner. The Trust and the Local Governing Bodies will not tolerate any form of bribery and/or corruption by, or of, its staff.

5 Definition of a bribe: A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.

6 Definition of third party: Third party means any individual or organisation the academy and its staff come into contact with during the course of their work for the Trust. This includes parents, carers or guardians of current or prospective pupils, suppliers, distributors, business contacts, agents, advisers, government and public bodies, including their advisors, representatives and officials, politicians and political parties.

## Gifts and hospitality

7 Hospitality: This policy does not prohibit the academy's normal and appropriate hospitality (given and received) to or from third parties.

8 Prohibited gifts: The Trust and its associated academies prohibit the accepting of gifts from, or the giving of gifts to, a third party in the following circumstances:

* 1. it is made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in explicit or implicit exchange for favours or benefits
  2. it contravenes the law
  3. it is given in an individual’s name, not in the name of the academy or Trust
  4. it includes cash or a cash equivalent such as gift certificates or vouchers (other than as permitted under the Code of Conduct)
  5. taking into account the reason for the gift, it is of an inappropriate type and value and given at an inappropriate time
  6. it is given secretly
  7. gifts should never be offered to, or accepted from, government officials or representatives, or politicians or political parties.

## Unacceptable behaviour

9 Unacceptable behaviour: It is not acceptable for DGAT staff (or someone on DGAT’s behalf) to:

* 1. give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given
  2. give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure
  3. accept payment from a third party that the member of staff knows or suspects is offered with the expectation that it will obtain a business advantage for them
  4. accept a gift or hospitality from a third party if the member of staff knows or suspects that it is offered or provided with an expectation that a business advantage will be provided by the Trust or academy in return
  5. threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy
  6. engage in any activity that might lead to a breach of this policy.

## Facilitation payments and kickbacks

10 Facilitation payments: DGAT academies will not make, and will not accept, facilitation payments or "kickbacks" of any kind.

11 Kickbacks: Kickbacks are typically payments made in return for a business favour or advantage. All DGAT staff must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by individual academies or the Trust.

12 Payments made by DGAT staff: If DGAT staff are asked to make a payment on behalf of the academy or Trust, they should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. DGAT staff should always ask for a receipt, which details the reason for the payment. If DGAT staff have any suspicions, concerns or queries regarding a payment, they should raise these with the Principal or Chief Operating Officer (COO).

## Donations

13 Political parties: The Trust and its academies does not make contributions to political parties. The Trust and its academies only make charitable donations which accord with the Trust's objectives and are legal and ethical under UK law.

## Reporting

14 Raising concerns: DGAT staff are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If DGAT staff are unsure whether a particular act constitutes bribery or corruption, or if they have any other queries, these should be raised with the Principal or Chair of the Local Governing Body, as appropriate. The Chair of the Local Governing Body should notify the COO of any such matter brought to their attention, and act in accordance with any advice received from the Trust.

15 Reporting: If DGAT staff encounter any of acts of corruption or bribery, if they are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that they are a victim of another form of unlawful activity, they must report them promptly in accordance with the Trust’s Whistleblowing Policy.

16 Examples of reportable situations: If DGAT staff encounter any of the following situations while working at DGAT academies, they must report them promptly using the procedure set out in the Trust’s Whistleblowing Policy:

* 1. DGAT staff become aware that a third party engages in, or has been accused of engaging in, improper business practices
  2. a third party insists on receiving a commission or fee payment before committing to sign up to a contract with the Academy, or carrying out a government function or process for the academy
  3. a third party requests payment in cash and / or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made
  4. a third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business
  5. a third party requests an unexpected additional fee or commission to "facilitate" a service
  6. a third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services
  7. DGAT staff are offered an unusually generous gift or offered lavish hospitality by a third party
  8. a third party requests that a payment is made to "overlook" potential legal violations
  9. a third party requests that DGAT staff provide employment or some other advantage to a friend or relative
  10. DGAT receive an invoice from a third party that appears to be non-standard or customised
  11. a third party insists on the use of side letters or refuses to put terms agreed in writing
  12. DGAT staff notice that the academy has been invoiced for a commission or fee payment that appears large given the service stated to have been provided
  13. a third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to the academy.

17 Prevention, detection and reporting: The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for DGAT academies. All DGAT staff are required to avoid any activity that might lead to, or suggest, a breach of this policy.

## Records

18 The individual academy's obligations: The academy’s Local Governing Body must keep financial records and have appropriate internal controls in place evidencing the business reason for making payments to third parties.

19 DGAT staff obligations: DGAT staff must declare and keep a written record of all hospitality or gifts accepted or offered, which will be subject to review by the Principal.

20 Academy's expenses policy: DGAT staff must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with the Trust’s Gifts and Hospitality Policy and specifically record the reason for the expenditure.

21 Records: All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as parents, suppliers and business contacts, should be prepared and maintained with strict accuracy and completeness. No accounts must be kept "off-book" to facilitate or conceal improper payments.

## Detriment

22 Detriment: DGAT academies are committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future.

23 Detrimental treatment: Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If DGAT believe that they have suffered any such treatment, they should inform the Principal or Chair of the Local Governing Body immediately. If the matter is not remedied, the employee, should raise it formally using the Trust’s Grievance Procedure.

## Consequences of breaching this policy

24 Breach: Any employee who breaches this policy will be subject to disciplinary action, which could result in dismissal for gross misconduct. Anyone else who provides services to DGAT academies and is found to be in breach of this policy will have their contract terminated.

25 Sanction: For individuals, bribery and corruption are punishable by up to ten years' imprisonment. If DGAT academies are found to have taken part in corruption, the Trust could face an unlimited fine and damage to its reputation. The Trust therefore takes its legal responsibilities very seriously.

26 **Risk Assessment**: The charity maintains a risk assessment framework which will be deployed to monitor, among other things, the success or failure of this policy.

27 **Risk identification:** is important in pinpointing specific areas in which the Trust faces bribery and corruption risks and allows the Trust to better evaluate and mitigate these risks and protect itself, as a consequence.

28 **Training and communication**: The Trust will communicate this policy and any relevant guidance to employees through its Local Governing Bodies. This policy will also be communicated, as appropriate, to suppliers, contractors, business partners and other stakeholders.

**Other Related Policies**

Whistleblowing Policy

Disciplinary Policy