

# Anti-Bribery Policy



**Review Date**

November 2023

**Ratified**

January 2024

**Next Review Date**

November 2027

**Responsible Directorate**

Operations

# Our Trust

*These four critical questions make it clear who we are and what we do.  
We ask ourselves these questions to guide our work and our improvement.*

## Why do we exist?

To **transform life chances** by achieving the highest possible standards and preparing all our students to lead successful lives.

## How do we behave?

- **Hard work**  
*We are determined to see things through to the end and are resilient when faced with challenges.*
- **Integrity**  
*We do the right thing because it is the right thing to do.*
- **Teamwork**  
*We work together to help everyone succeed.*

## What do we do?

- We educate, safeguard and champion all our learners.
- We set high standards for ourselves and our learners.
- We build the powerful knowledge and cultural capital which stimulate social mobility and lifelong learning.

## How will we succeed?

1. Aligned autonomy
2. Keeping it simple
3. Talent development

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# 1 | Introduction

- 1.1 Academy Transformation Trust is committed to the highest standards of ethical conduct and integrity in its business activities in the UK and overseas. This policy outlines the Trust's position on preventing and prohibiting bribery, in accordance with the Bribery Act 2010. The Trust will not tolerate any form of bribery by, or of, its employees, agents or consultants or any person or body acting on its behalf. The Trust is committed to implementing effective measures to prevent, monitor and eliminate bribery.
- 1.2 This policy applies to all employees and officers of the Trust and all of its academies, and to temporary workers, consultants, contractors, agents and subsidiaries acting for, or on behalf of, the Trust ("associated persons") within the UK and overseas. Every employee and associated person acting for, or on behalf of, the Trust is responsible for maintaining the highest standards of business conduct. Any breach of this policy is likely to constitute a serious disciplinary, contractual and criminal matter for the individual concerned and may cause serious damage to the reputation and standing of the Trust.
- 1.3 The Trust may also face criminal liability for unlawful actions taken by its employees or associated persons under the Bribery Act 2010. All employees and associated persons are required to familiarise themselves and comply with this policy, including any future updates that may be issued from time to time by the Trust.
- 1.4 This policy covers:
- The main areas of liability under the Bribery Act 2010;
  - The responsibilities of employees and associated persons acting for, or on behalf of, the Trust; and
  - The consequences of any breaches of this policy.

# 2 | Bribery Act 2010

- 2.1 The Trust is committed to complying with the Bribery Act 2010 in its business activities in the UK and overseas. Under the Bribery Act, 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; or
  - Knowledge or belief that accepting such a reward would constitute the improper performance of such a function or activity.
- 2.2 A relevant function or activity includes public, state or business activities or any activity performed in the course of a person's employment, or on behalf of another school, organisation 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.
- 2.3 A criminal offence will be committed under the Bribery Act if:

- An employee or associated person acting for, or on behalf of, the Trust offers, promises, gives, requests, receives or agrees to receive bribes; or
- An employee or associated person acting for, or on behalf of, the 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 Trust does not have the defence that it has adequate procedures in place to prevent bribery by its employees or associated persons.

2.4 All employees and associated persons are required to comply with this policy, in accordance with the Bribery Act 2010.

## 3 | What Is Prohibited?

3.1 The Trust prohibits employees or associated persons from offering, promising, giving, soliciting or accepting any bribe. The bribe might be cash, a gift or other inducement to, or from, any person or organisation, whether a public or government official, official of a state-controlled industry, political party or a private person or company, regardless of whether the employee or associated person is situated in the UK or overseas. The bribe might be made to ensure that a person or the Trust improperly performs duties or functions (for example, by not acting impartially or in good faith or in accordance with their position of trust) to gain any commercial, contractual or regulatory advantage for the organisation in either obtaining or maintaining Trust business, or to gain any personal advantage, financial or otherwise, for the individual or anyone connected with the individual.

3.2 This prohibition also applies to indirect contributions, payments or gifts made in any manner as an inducement or reward for improper performance, for example through consultants, contractors or subcontractors, agents or sub-agents, sponsors or sub-sponsors, joint-venture partners, advisors, customers, suppliers or other third parties.

## 4 | Records

4.1 Employees and, where applicable, associated persons, are required to take particular care to ensure that all Trust records are accurately maintained in relation to any contracts or business activities, including financial invoices and payment transactions with clients, suppliers and public officials.

4.2 Due diligence should be undertaken by employees and associated persons prior to entering any contract, arrangement or relationship with a potential supplier of services, agent, consultant or representative. Employees and associated persons are required to keep accurate, detailed and up-to date records of all corporate hospitality, entertainment or gifts accepted or offered.

## 5 | Procurement

- 5.1 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 higher value contractors and suppliers, the Trust will undertake due diligence. Agreements with contractors and suppliers shall, always, provide for the necessary contractual mechanisms to enforce compliance with the anti-bribery legislation, guidance and best practice. The Trust will monitor performance and, in case of non-compliance, require the correction of deficiencies, apply sanctions, or eventually terminate the agreement.

## 6 | Facilitation Payments and Kickbacks

### **Principle**

- 6.1 The Trust prohibits its employees or associated persons from making or accepting any facilitation payments or kickbacks. Kickbacks are typically payments made in return for a business favour or advantage.
- 6.2 Facilitation payments are usually made to government officials for carrying out or speeding up routine procedures. They are more common overseas. Facilitation payments are distinct from an official, publicly available fast-track process. Facilitation payments, or offers of such payments, will constitute a criminal offence by both the individual concerned and the Trust under the Bribery Act 2010, even where such payments are made or requested overseas. Employees and associated persons are required to act with greater vigilance when dealing with government procedures overseas.

### **Procedure**

- 6.3 Where a public official or organisation representative has requested a payment, employees or associated persons should ask for further details of the purpose and nature of the payment in writing. If the official refuses to give these, this should be reported immediately to the Deputy Chief Executive Officer (Finance & Operations).
- 6.4 If the official provides written details the Deputy Chief Executive Officer (Finance & Operations) will consider the nature of the payment. Legal advice may be sought by the Trust. If it is concluded that the payment is a legitimate fee, for example part of a genuine fast-track process, or is permitted locally, the Trust will authorise and process the payment.
- 6.5 Where the Deputy Chief Executive Officer (Finance & Operations) considers that the request is for a facilitation payment or kickback, the employee or associated person will be instructed to refuse to make the payment and notify the official that the employee or associated person is required to report the matter to the Trust.

- 6.6 The Trust will seek the assistance of the relevant employee in its investigation and may determine that the matter should be referred to the prosecution authorities. If an employee or associated person has any other concerns about the nature of a request for payment, he/she should report it to the Deputy Chief Executive Officer (Finance & Operations).

## 7 | Corporate Entertainment, Gifts, Hospitality and Promotional Expenditure

### Principle

- 7.1 The 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 individual academy or the Trust
  - to present the Trust 's services effectively

provided that it is:

- arranged in good faith, and
- not offered, promised or accepted to secure an advantage for the Trust or any of its employees or associated persons or to influence the impartiality of the recipient.

- 7.2 The Trust will authorise only reasonable, appropriate and proportionate entertainment and promotional expenditure. This principle applies to employees and associated persons, whether based in the UK or overseas. However, those with remits overseas will be given further guidance on the specific procedures that they are required to follow.

### Procedure

- 7.3 Employees and, where relevant, associated persons should submit requests for proposed hospitality and promotional expenditure well in advance of proposed dates to the Deputy Chief Executive Officer (Finance & Operations) or Chief Executive Officer. Employees are required to set out in writing:
- the objective of the proposed client entertainment or expenditure;
  - the identity of those who will be attending;
  - the organisation that they represent; and
  - details and rationale of the proposed activity.

- 7.4 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 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 clients, public officials, suppliers or other business contacts should be reported immediately to the Deputy Chief Executive

Officer (Finance & Operations). 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. As a general rule, small tokens of appreciation (up to a value of £30), such as flowers or a bottle of wine, may be retained by employees.

7.6 If an employee or associated person wishes to provide gifts to suppliers, clients or other business contacts, prior written approval from the Chief Executive Officer or Deputy Chief Executive Officer (Finance & Operations) is required, together with details of the intended recipients, reasons for the gift and business objective.

7.7 Employees and, where applicable, associated persons must supply records and receipts, in accordance with the Trust expenses policy.

## 8 | Charitable and Political Donations

8.1 The Trust considers that charitable giving can form part of its wider commitment and responsibility to the community. The Trust supports several charities that are selected in accordance with objective criteria. The Trust may also support fundraising events involving employees.

### **What practices are permitted?**

8.2 This policy does not prohibit:

- normal and appropriate hospitality and entertainment,
- the use of any recognised fast-track process that is publicly available on payment of a fee.

8.3 Any such practices must be proportionate, reasonable and made in good faith. Clear records must be kept.

8.4 The Trust does not make any contributions to politicians, political parties or election campaigns.

## 9 | Reporting Suspected Bribery (also see Whistleblowing Policy)

### **Principle**

9.1 The Trust depends on its employees and associated persons to ensure that the highest standards of ethical conduct are maintained in all its business dealings. Employees and



associated persons are requested to assist the Trust and to remain vigilant in preventing, detecting and reporting bribery.

9.2 Employees and associated persons are encouraged to report any concerns that they may have to the appropriate member of senior management as soon as possible. Issues that should be reported include:

- any suspected or actual attempts at bribery;
- concerns that other employees or associated persons may be being bribed; or
- concerns that other employees or associated persons may be bribing third parties, such as clients or government officials.

#### **Procedure**

9.3 Employees should record any incidents of suspected bribery. Any such reports will be thoroughly and promptly investigated by the appropriate member of senior management in the strictest confidence. Employees and associated persons will be required to assist in any investigation into possible or suspected bribery.

9.4 Employees will also be required to comply with the Trust 's Whistleblowing policy.

9.5 Employees or associated persons who report instances of bribery in good faith will be supported by the Trust. The Trust will ensure that the individual is not subjected to detrimental treatment because of their report. Any instances of detrimental treatment by a fellow employee because an employee has made a report will be treated as a disciplinary offence.

9.6 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees and associated persons should not agree to remain silent. They should report the matter to an appropriate member of senior management.

## 10 | Action by the Trust

10.1 The Trust will fully investigate any instances of alleged or suspected bribery. Employees suspected of bribery may be suspended from their duties while the investigation is being carried out. The Trust will invoke its disciplinary procedures where any employee is suspected of bribery, and proven allegations may result in a finding of gross misconduct and immediate dismissal.

10.2 The Trust may terminate the contracts of any associated persons, including consultants or other workers who act for, or on behalf of, the Trust who are found to have breached this policy.

10.3 The Trust may also report any matter to the relevant authorities, including the Serious Fraud Office, HMRC and the police. The Trust will provide all necessary assistance to the relevant authorities in any subsequent prosecution.

## 11 | Review of Procedures

- 11.1 The Deputy Chief Executive Officer (Finance & Operations) will monitor and review the implementation of this policy and related procedures on a regular basis, including reviews of internal financial systems, expenses, corporate hospitality, gifts and entertainment policies.