



Anti-Corruption and Bribery Policy

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The Bribery Act 2010 – “An Act to make provision about offences relating to bribery; and for connected purposes. [8th April 2010]”

1. Policy Statement

- 1.1 The Henrietta Barnett School is committed to conducting all of its business in an honest and ethical manner and to acting in good faith. Governors and Senior Management take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all business dealings and relationships and to implementing and enforcing effective systems to minimise the risk of corrupt behaviour or bribery.
- 1.2 The School will uphold all laws relevant to countering bribery and corruption in all the jurisdictions in which it operates. It remains bound by the Bribery Act 2010 which became law on 1 July 2011.
- 1.3 The purpose of this policy is to:
 - (a) set out the School’s responsibilities, and of all persons associated with the School, in observing and upholding the correct position on bribery and corruption; and
 - (b) provide information and guidance to all such persons on how to recognise and deal with bribery and corruption issues.

NOTE: A person is associated with the School if that person performs services on behalf of the School. This would include Governors, employees and agents and may also include contractors and business partners (e.g. as in a joint venture arrangement). It would not normally include someone who merely supplies the School with goods.

- 1.4 Bribery and corruption are punishable for individuals by up to ten years’ imprisonment and if the School is found to have taken part it could face an unlimited fine, be excluded from tendering for public contracts and face serious damage to its reputation. HBS therefore takes its legal responsibilities very seriously.
- 1.5 The following areas have been identified as particular risks that may be relevant for the School:
 - (a) Accepting payment or donation in return for securing a place for a particular child within the School, without following the School’s usual admissions procedures;

- (b) Accepting an invitation from a supplier or a parent to attend an event as their guest where the supplier or parent intends to secure an improper advantage (in this case, the offence would be committed by the supplier or parent although there is a reputational risk to the School. If an associated person acted improperly as a result, he/she would also have committed an offence);
- (c) Accepting a lavish gift or gifts which might induce someone to favour one particular student over another;
- (d) Accepting a charitable donation from a business tendering for a contract with the School or favouring donors when choosing suppliers;
- (e) Accepting personal gifts or stock from suppliers seeking to extend or renew their contract to supply goods or services to the School;

1.6 To address those risks the School has:

- (a) Ensured that the Governing Body is aware of the legislation;
- (b) Ensured that the School's Senior Team is aware of the legislation and appointed the School Business manager as the officer in charge of compliance with the legislation on a day to day basis;
- (c) Communicated this policy to all employees responsible for procuring material contracts, with purchasing responsibilities, who admit students, deal with unpaid debts, or liaise with donors;
- (d) Uploaded this Bribery Policy on the School's website to communicate the policy to current and potential parents, suppliers and business partners;

1.7 In this policy, **third party** means any individual or organisation with whom employees of HBS come into contact during the course of their work for the School, including actual and prospective parents and hirers of the school facilities, suppliers, distributors, business contacts, agents, advisers and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

2. **Who is covered by the policy?**

This policy applies to all Governors and individuals working at HBS at all levels and grades, including senior managers, officers, employees (whether permanent, fixed-term or temporary), consultants, contractors, seconded staff, casual workers and agency staff, volunteers, agents, sponsors, or any other person associated with HBS.

3. **What is bribery?**

A bribe is an inducement or reward offered, promised or provided in order to gain any improper commercial, contractual, regulatory or personal advantage. See Appendix for examples.

4. **Gifts and Hospitality**

4.1 This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties.

4.2 The giving or receipt of gifts will generally be normal and appropriate, if the following requirements are met:

- (a) it is not made with the intention of influencing the recipient so as 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;
- (b) it complies with local law;

- (c) if given, it is given in the School's name, not in the name of an individual;
- (d) if given, it does not include cash or a cash equivalent (such as gift certificates or vouchers);
- (e) it is appropriate in the circumstances. For example, in the UK it is customary for small gifts to be given at Christmas time;
- (f) taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time; and
- (g) it is given openly, not secretly.
- (h) gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the School Business Manager, who will consult with the Head and Board of Governors.

4.3 The School acknowledges that parents and pupils may choose to provide the Head, Teachers and other staff with modest gifts including inter alia, bottles of wine etc. These should be recorded if they exceed £100 in value but are unlikely to be of any concern under the Bribery Act 2010 unless their value is significant in which case the employee is advised to inform the Head or School Business Manager.

5. What is not acceptable?

It is not acceptable for an "*associated*" person to:

- (a) 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 obtained.
- (b) 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.
- (c) Accept a gift, payment or hospitality from a third party where it is known or suspected that it is offered with the expectation that it will secure a business advantage for them from the School.
- (d) Threaten or retaliate against another "*associated*" person who has refused to commit a bribery offence or who has raised concerns under this policy.
- (e) Engage in any activity that might reasonably be expected to lead to a breach of this policy.

6. Facilitation Payments and Kickbacks

- 6.1 HBS does not make, and will not accept, facilitation payments or "kickbacks" of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite a routine government action by a government official. They are not commonly paid in the UK, but are common in some other jurisdictions. The use of any legal and recognised fast track process that is publicly available on payment of a fee should not be affected by this provision. Kickbacks are typically payments made in return for a business favour or advantage.
- 6.2 If an associated person makes a payment on behalf of the School he/she should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. A receipt should always be requested which details the reason for the payment, and if there are any concerns or queries regarding a payment, these should be raised with the School Business Manager.

7. Governor and Employee Responsibilities

- 7.1 All Governors and employees must read, understand and comply with this policy.
- 7.2 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all, and everyone should avoid any activity that might reasonably be expected to

lead to, or suggest, a breach of this policy.

- 7.3 Employees must notify the School Business Manager as soon as possible if there is the belief or suspicion that a conflict with this policy has occurred, or may occur in the future. For example, if a third party offers you something to gain a business advantage, or indicates to you that a gift or payment is required to secure their business with the School. Further examples that may indicate bribery or corruption are set out in the Appendix.
- 7.4 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. HBS reserves the right to terminate contractual relationships with others if they breach this policy.

8. Record Keeping

- 8.1 Financial records should be maintained, and appropriate internal controls set in place which will evidence the business reason for making payments to third parties.
- 8.2 Governors and employees, in their capacity as “associated” persons, must declare to the Head or School Business Manager, and keep a written record of all payments, hospitality or gifts accepted or offered in their capacity as ‘associated persons’ which exceed the value of £100.
- 8.3 All accounts, invoices, memoranda and other documents and records relating to dealings with third parties should be prepared and maintained with strict accuracy and completeness.

9. How to raise a concern

“Associated” persons are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. Concerns should be reported by following the procedure set out in the School’s Code of Conduct, a copy of which can be obtained from the School Business Manager.

10. What to do if you are the target of bribery or corruption

If an “associated” person is offered a bribe by a third party, or is asked to make one, the School Business Manager should be informed immediately.

11. Protection

- 11.1 “Associated” persons who refuse to accept or offer a bribe, or those who raise concerns or report another’s wrongdoing, are sometimes worried about possible repercussions. HBS aims to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken. For further information see the School’s Whistleblowing Policy, a copy of which can be obtained from the School Business Manager.
- 11.2 HBS is 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. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If an employee believes that they have suffered any such treatment, the Head or School Business Manager should be informed immediately. If the matter is not remedied, the matter can be raised formally using the School’s Grievance Procedure, a copy of which can be obtained from the School Business Manager.

12. Communication

- 12.1 All new employees will be made aware of this policy as part of the induction process, and all existing employees and workers will receive regular oral reminders. Risk assessments will be carried out to determine where the risks lie for the School.
- 12.2 The School’s zero-tolerance approach to bribery and corruption must be communicated to all

suppliers, contractors and business partners at the outset of any business relationship with them and as appropriate thereafter.

13. Who is responsible for the policy?

- 13.1 The Governing Body has overall responsibility for ensuring this policy complies with the School's legal and ethical obligations, and that all "*associated*" persons comply with it.
- 13.2 The Governing Body has responsibility for the oversight of the implementation of this policy, periodic reports and reviews.
- 13.3 The School Business Manager has primary and day-to-day responsibility for implementing this policy, and for monitoring its use and effectiveness and dealing with any queries on its interpretation.
- 13.4 Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this policy.

14. Monitoring and Review

- 14.1 The Senior Team will oversee compliance with the policy and the School Business Manager will monitor its effectiveness and implementation on a regular basis, considering its suitability, adequacy and effectiveness and reporting as required to the Governing Body. Any improvements identified will be made as soon as possible. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering bribery and corruption.
- 14.2 All "*associated*" persons are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.
- 14.3 "*Associated*" persons are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the School Business Manager.
- 14.4 This policy does not form part of any employee's contract of employment and it may be amended at any time. Changes to the policy will be notified to employees and other affected persons (e.g. contractors and suppliers)
- 14.5 The School may report any matter to the relevant authorities including the Director of Public Prosecution, Serious Fraud Office, H M Revenue and Customs and/or the police.
- 14.6 This policy will be reviewed annually by the School Business Manager.

Appendix: Potential risk scenarios

The following is a list of situations that may arise at HBS which may raise concerns under various anti-bribery and anti-corruption laws. The list is not intended to be exhaustive and is for illustrative purposes only.

If an "*associated*" person encounters any of these examples while performing a service for HBS, they must report them promptly to the School Business Manager (or if appropriate using the procedure set out in the Code of Conduct):

- (a) Being offered payment or donations in return for securing a place for a particular child without following the School's usual admissions procedures;
- (b) Being offered payment or donations in return for appointing a particular child to a position within the school, without following the School's usual appointment procedures;
- (c) Being invited by a supplier or a parent to attend an event as their guest where you suspect the supplier or parent may intend to secure an improper advantage, or after having gone to the event, any suspicions have arisen;
- (d) Being offered a gift or gifts (i.e. with a value in excess of £100) by a parent, supplier or other third party by virtue of your employment in or 'role at' – to include Governors the School;
- (e) Being offered a charitable donation from a business which is likely to be tendering for a contract

with the school;

- (f) Being offered personal gifts or stock by suppliers;
- (g) Being aware that a third party engages in, or has been accused of engaging in, improper business practices;
- (h) Being aware that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a "special relationship" with foreign government officials;
- (i) a third party insists on receiving a commission or fee payment before committing to sign up to a contract with HBS, or carrying out a government function or process for HBS;
- (j) 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;
- (k) a third party requests an unexpected additional fee or commission to "facilitate" a service without a satisfactory explanation;
- (l) a third party demands entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
- (m) a third party requests that a payment is made to "overlook" potential legal violations;
- (n) a third party requests that employment is provided, or some other advantage is given to a friend or relative;
- (o) an invoice is raised for a commission or fee payment that appears disproportionate, given the service stated to have been provided;
- (p) 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 School;
- (q) a sudden disproportionate cash receipt appears in the bank account which has occurred other than as a result of normal business operations.

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