



HOLMWOOD HOUSE SCHOOL

ANTI-BRIBERY AND CORRUPTION POLICY

Introduction

- 1 **Commitment:** The School is committed to implementing effective measures to prevent, monitor and eliminate the risks of bribery and enforcing effective systems to counter bribery.
- 2 **Application:** This policy applies to all Staff working in the School, whether paid or unpaid, whatever their position, role or responsibilities and **Staff** includes employees, governors, directors, contractors, and volunteers. It also applies to any person or body, acting on its behalf and any third party.
- 3 **Conduct:** The School conducts its business activities in an honest and ethical manner. The School will not tolerate any form of bribery and / or corruption by, or of, its Staff.
- 4 **Purpose:** The purpose of this policy is to:
 - 4.1 set out the School's responsibilities, and of those working for the School, in observing and upholding its position on bribery and corruption; and
 - 4.2 provide information and guidance to those working for the School on how to recognise and deal with bribery and corruption issues.
- 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 you come into contact with during the course of your work for the School. This includes parents, carers or guardians of current or prospective pupils, suppliers, distributors, business contacts, agents,

advisers, government and public bodies, including their advisers, representatives and officials, politicians and political parties.

Gifts and hospitality

- 7 **Hospitality:** This policy does not prohibit the School's normal and appropriate hospitality (given and received) to or from third parties.
- 8 **Prohibited gifts:** The School prohibits the accepting of gifts from, or the giving of gifts to, a third party in the following circumstances:
 - 8.1 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;
 - 8.2 it contravenes the law;
 - 8.3 it is given in your name, not in the name of the School;
 - 8.4 it includes cash or a cash equivalent such as gift certificates or vouchers (other than as permitted under the Code of Conduct);
 - 8.5 taking into account the reason for the gift, it is of an inappropriate type and value and given at an inappropriate time;
 - 8.6 it is given secretly;
 - 8.7 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 you (or someone on your behalf) to:
 - 9.1 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;
 - 9.2 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;
 - 9.3 accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
 - 9.4 accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by the School in return;

- 9.5 threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy;
- 9.6 engage in any activity that might lead to a breach of this policy.

Facilitation payments and kickbacks

- 10 **Facilitation payments:** The School does 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 Staff must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by the School.
- 12 **Payments made by you:** If you are asked to make a payment on behalf of the School, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment. If you have any suspicions, concerns or queries regarding a payment, you should raise these with the Head.

Donations

- 13 **Political parties:** The School does not make contributions to political parties. We only make charitable donations which accord with the School's governing instrument and that are legal and ethical under UK law.

Reporting

- 14 **Raising concerns:** You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with Head.
- 15 **Reporting:** If you encounter any of acts of corruption or bribery, if you are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity, you must report them promptly in accordance with the School's Whistleblowing policy.
- 16 **Examples of reportable situations:** If you encounter any of the following situations while working at the School, you must report them promptly using the procedure set out in the School's Whistleblowing Policy:
 - 16.1 you become aware that a third party engages in, or has been accused of engaging in, improper business practices;

- 16.2 a third party insists on receiving a commission or fee payment before committing to sign up to a contract with the School, or carrying out a government function or process for the School;
- 16.3 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;
- 16.4 a third party requests that payment is made to a country or geographic location different from where the third party resides or conducts business;
- 16.5 a third party requests an unexpected additional fee or commission to "facilitate" a service;
- 16.6 a third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
- 16.7 you are offered an unusually generous gift or offered lavish hospitality by a third party;
- 16.8 a third party requests that a payment is made to "overlook" potential legal violations;
- 16.9 a third party requests that you provide employment or some other advantage to a friend or relative;
- 16.10 you receive an invoice from a third party that appears to be non-standard or customised;
- 16.11 a third party insists on the use of side letters or refuses to put terms agreed in writing;
- 16.12 you notice that the School has been invoiced for a commission or fee payment that appears large given the service stated to have been provided;
- 16.13 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 School.

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 the School or under the School's control. All Staff are required to avoid any activity that might lead to, or suggest, a breach of this policy.

Records

- 18 **The School's obligations:** The School must keep financial records and have appropriate internal controls in place evidencing the business reason for making payments to third parties.
- 19 **Your obligations:** You must declare and keep a written record of all hospitality or gifts accepted or offered, which will be subject to review by the Head.
- 20 **School's expenses policy:** You must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with the School's expenses 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:** The School 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.
- 23 **Detrimental treatment:** Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Head immediately. If the matter is not remedied, and you are an employee, you should raise it formally using the School's Grievance Procedure.

Consequences of breaching this policy

- 24 **Breach:** Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. Anyone else who provides services to the School 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 the School is found to have taken part in corruption, the School could face an unlimited fine and damage to its reputation. The School therefore takes its legal responsibilities very seriously.