



## ATLAS Multi Academy Trust

### Anti-Bribery Policy

Trust sub-committee: Resources Committee

Co-ordinator: ATLAS Executive Team

Last Reviewed: Summer 2021

Next Review: Summer 2023

St Albans Girls' School : Beech Hyde Primary School and Nursery : The Adeyfield Academy

Signed by:  
Margaret Chapman  
Executive Head Teacher

Signed by:  
Rachael Kenningham  
Chair of ATLAS Board of Directors

## 1 RATIONALE

- 1.1** The Bribery Act 2010 modernises the Bribery Act became law that came into force on 1 July 2011. This replaced what are collectively known as the Prevention of Corruption Acts 1889 to 1916. This act deals only with bribery – not other forms of white collar crime and It is designed to address bribery and corruption in the public and private sectors and will mean that any incorporated organisation, potentially including schools could be liable to severe penalties if they fail to implement adequate procedures to prevent bribes being paid or received on their behalf.
- Fraud can be defined as giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so. So this could cover seeking to influence a decision-maker by giving some kind of extra benefit to that decision maker rather than by what can legitimately be offered as part of a tender process
- Compliance with the law helps to maintain and enhance our good reputation and reflects our goal to serve the best interests of our students. Compliance also protects the Trust, its employees and anyone else associated with it from the severe consequences of breaking the law. Penalties under UK law include unlimited fines in the case of the Trust and unlimited personal fines and up to ten years' imprisonment in the case of individuals.
- UK bribery laws, in particular, are extensive and prohibit the giving or receiving of bribes. A bribe is designed to improperly influence the way in which a person acts, may be in the form of money but can also be any other type of advantage. For example, the law extends to the giving or receipt of inappropriate entertainment and to “grease” payments to public officials (e.g. payments to expedite a process).
- All staff should remember that the law can be complex and it will not always be clear how the law applies in every situation. Therefore, any questions or concerns about the

	<p>application of the law to specific situations should be directed firstly to your line manager and then escalated to the CEO or COO if required. In order to ensure compliance with the law, staff should ensure also that they follow Trust policies and procedures in relation to gifts and entertainment and claiming expenses.</p> <p>We require all of our employees and anyone else associated with the Trust to follow this policy and to comply with all applicable anti-bribery and corruption laws. It is the responsibility of all of us to make sure that we uphold our values and that all of our dealings are legitimate.</p> <p>It may be a disciplinary offence to engage in conduct or behaviour that does not comply with this policy or for anyone in a managerial or supervisory capacity to fail to take action in respect of any such conduct or behaviour. This may be dealt with under the disciplinary procedure and could lead to dismissal without notice.</p> <p>If a member of staff believes that anyone associated with the Trust is acting in a way that may contravene the law or that could put the Trust at risk, then it is their duty to report the matter as soon as possible. If they are uncomfortable talking to their supervisor or supervisor's manager or if they do not receive a satisfactory response, then they should contact the CEO or the Chair of the Trust.</p>
<p><b>1.2</b></p>	<p><u>Corruption</u> The offering, giving, soliciting or acceptance of an inducement or reward that may influence the actions of any person. Both parties are equally guilty of an offence.</p>
<p><b>1.3</b></p>	<p><u>Bribery</u> There are four key offences under the Act</p> <ul style="list-style-type: none"> <li>• Section 1 Bribing another person - This can occur where a person offers, promises or gives a financial or other advantage to another individual to perform improperly a relevant function or activity.</li> <li>• Section 2 Taking a bribe - This is where a person receives or accepts a financial or other advantage to perform a function or activity improperly.</li> <li>• Section 6 Bribing a foreign public official - This is where a person directly or through a third party offers, promises or gives any financial or other advantage to a foreign public official in an attempt to influence them.</li> <li>• Section 7 Failing to prevent bribery - A commercial organisation could be guilty of bribery where a person associated with the organisation, such as an employee, agent or even a sub-contractor, bribes another person intending to obtain or retain business for the organisation.</li> </ul>
<p><b>1.4</b></p>	<p>Bribery is not tolerated. It is unacceptable to;</p> <ul style="list-style-type: none"> <li>• Give, promise or offer a payment, gift, or hospitality with the exception or hope that a business advantage will be received, or to reward a business advantage already given</li> <li>• Give, promise to give or offer a payment, gift or hospitality to a government official, agent or representative to 'facilitate' or expedite routine procedure</li> <li>• Accept payment from a third party that you know or suspect is offered with the exception that it will obtain a business advantage for them</li> <li>• 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 us in return</li> <li>• Retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy.</li> </ul>
<p><b>1.5</b></p>	<p>The Bribery Act applies to all staff in our organisation. An organisation may be guilty of bribery even if only the individual offender knew of the bribery.</p>

1.6	The Bribery Act introduces serious penalties such as unlimited fines for organisations and up to a maximum jail term of 10 years for the individuals involved.
1.7	Organisations will have a defence against prosecution if they can demonstrate that they had “adequate procedures in place to prevent bribery”.
1.8	Bribery is a serious criminal offence and the School does not and will not, pay bribes or offer improper inducement to anyone for any purpose. Equally the School does not and will not accept any bribes or improper inducements.
1.9	Definition of Bribery - Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.
1.10	<p><b>Gifts and Entertainment</b></p> <p>Anyone associated with the Trust must adhere to the rules and guidance in this policy when giving or receiving gifts or entertainment.</p> <p>In no circumstances should anyone associated with the Trust offer, give or accept any gift or hospitality which might be construed as an attempt to influence a business decision (e.g. hospitality or a gift during a tender process).</p> <p>If a member of staff is ever uncertain as to the correct course of action, they can speak in confidence to their line manager or ultimately escalate to the COO, CEO or the Chair of the Trust.</p> <p><b>Giving of Gifts</b></p> <p>In general, the Trust does not believe that the giving of gifts is appropriate. Staff must never give a gift on behalf of the Trust without the express permission of the CEO, COO or the Chair of the Trust. If staff seek permission to give a gift, then they must be prepared to explain the reason for which the gift is being given and why the gift is appropriate.</p> <p>For clarity, the following represent allowable costs that can be incurred by the Academy or the Central Team, and are therefore not captured by the above definition of ‘gifts’: -</p> <ul style="list-style-type: none"> <li>• Purchase of flowers, the giving or a charitable donation, or similar, either to Trust Staff or an appropriate external party, as a one-off gesture to recognise circumstances such as, illness or as a ‘thank you’.</li> <li>• Purchase of food, drink and other related items for staff and external individuals where necessary as part of special events – for example parents’ evenings, Academy-organised sports events, etc.</li> </ul> <p>Such gifts as described above are allowable when appropriate, not excessive, and approved by the Principal, Headteacher, COO or CEO.</p> <p>For clarity, the use of Trust funds is not permitted in the following circumstances:</p> <ul style="list-style-type: none"> <li>• As a gift for life-events such as resignation, retirement or maternity, although staff may choose to purchase a gift by collecting their own personal funds.</li> <li>• For the purchase of alcohol.</li> </ul>
1.11	<p><b>Receipt of Gifts</b></p> <p>Gifts in this context include goods and services. In general, Members of staff are required to return any gift or give it to charity and send a suitable letter explaining that the Trust’s policy is not to accept gifts.</p> <p>However, the Trust recognises it is common accepted practice for Academy Staff to accept low value gifts from pupils or parents, for example at the end of term. Gifts of this nature</p>

		do not need to be recorded on the register of gifts and hospitality, so long as the gift is less than £20 in value and could not be perceived as being given to exert undue influence on the staff member.
	<b>1.12</b>	Grease Payments / “Kickbacks” Grease payments or “kickbacks” to public officials in order to gain or speed up actions by them must not be made. These are illegal and any demand for them must be reported to the CEO or the Chair of the Trust.
<b>2</b>	<b>AIMS</b>	
	<b>2.1</b>	The aim of the policy is to provide a coherent and consistent approach to ensuring compliance with the Bribery Act. It will enable all employees and any person who performs services for and on behalf of the Trust and its academies (this could include contractors and subcontractors) to understand their responsibilities and allow them to take the necessary action, for example reporting any potential breaches of the policy.
	<b>2.2</b>	The School is committed to countering bribery and corruption in all forms and will not tolerate it in any of its activities.
	<b>2.3</b>	The School requires that all staff and all working or performing any service on or on behalf of the School neither accept nor give bribes. Staff must: <ul style="list-style-type: none"> <li>• Act honestly with integrity at all times to safeguard the School’s resources for which they are responsible</li> <li>• Comply with the law (both in spirit and in the letter)</li> <li>• Abide by this policy</li> </ul>
	<b>2.4</b>	The policy applies to all of the Trust’s activities including its work with strategic partners, third parties, suppliers, and others.
	<b>2.5</b>	The policy has the approval of the Board of Directors. The policy applies equally to all staff, regardless of grade whether permanently employed, temporary agency staff, contractors, agents, all elected and non-elected Governors, volunteers and consultants.
	<b>2.6</b>	The Trust recognises the importance of the seven principles of public life defined by the Nolan Committee 1995, and expects all governors, employees and those acting as its agents to conduct themselves according to them. The seven principles are worthy of being read by all <ul style="list-style-type: none"> <li>• Honesty - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest</li> <li>• Integrity - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.</li> <li>• Selflessness - Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.</li> <li>• Objectivity - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.</li> <li>• Openness - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.</li> <li>• Accountability - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.</li> </ul>

		<ul style="list-style-type: none"> <li>Leadership - Holders of public office should promote and support these principles by leadership and example.</li> </ul>
<b>3</b>	<b>PROCEDURES</b>	
<b>3.1</b>	Related Policies	<p>The Anti-bribery policy is considered alongside the following policies which collectively set out the School's approach to reducing bribery risks:</p> <ul style="list-style-type: none"> <li>Gifts and Hospitality</li> <li>Anti-Fraud and Corruption Policy</li> <li>Confidential Reporting (whistle blowing)</li> <li>Code of Conduct for staff</li> <li>Code of Conduct for Governors</li> <li>Contract Procedure Rules and Regulations and Procurement Regulations</li> <li>Recruitment and Disciplinary Procedures</li> </ul>
<b>3.2</b>	Staff Responsibilities and all those working or performing any service on or behalf of the School:	<p>Prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Trust or under its control. All staff including third parties working or performing any service on or behalf of the School are to avoid activity that breaches this policy, and must:</p> <ul style="list-style-type: none"> <li>Ensure that they read, understand and comply with the policy</li> <li>Raise concerns as soon as possible if they suspect that this policy has been breached</li> </ul>
<b>3.3</b>	Adequate Procedures - the procedures need to be applied proportionately based on the level of risk of bribery to the School. Adequate procedures cover:	
<b>3.3.1</b>	Risk Assessment - that the School assesses the nature and extent of its exposure to potential bribery from inside and outside. The School should know who it is doing business with and whether this has risk implications.	
<b>3.3.2</b>	Top Level Commitment - that the Governing body is committed to preventing bribery. That there is a clear statement that bribery is not acceptable. That the Anti-bribery policy is clearly communicated to all staff and partners of the School.	
<b>3.3.3</b>	Due Diligence - that the School has policies in place and is aware of who it does business with. The School is confident that its business relationships are transparent and ethical.	
<b>3.3.4</b>	Clear, practical and accessible policies and procedures - that the School's policies and procedures to prevent bribery being committed on its behalf are clear, practical, accessible and enforceable.	
<b>3.3.5</b>	Effective Implementation - the anti-bribery policy and procedures are embedded throughout the School. This means that the anti-bribery statements are embedded in the recruitment, retention, and operational policies and in training programmes.	
<b>3.4</b>	Ultimately, whether procedures are adequate is for the courts to decide on a case by case basis.	
<b>4</b>	<b>MONITORING</b>	
<b>4.1</b>	The EHT, COO, Board of Directors, Head teacher and the Governing Body will own the policy, thereby ensuring that there is commitment at the highest level and monitor activities on a regular basis.	
<b>4.2</b>	The Trust monitors and reviews its policies and procedures on a regular basis to ensure that there is compliance.	
<b>4.3</b>	<b>Reporting concerns</b>	

<b>4.3.1</b>	All actual or suspected incidents of fraud, corruption or bribery in a Trust should be reported without delay to the EHT / Headteacher who must report immediately to the Trust Financial Manager. Any other actual or suspected incidents of fraud, corruption or bribery in the Trust must be reported immediately directly to the Trust Financial Manager
<b>4.3.2</b>	In either instance, if the Trust Financial Manager is not available on the day the incident is reported, or if there are concerns about reporting to the Trust Financial Manager, the incident should be reported immediately to the COO. If the COO is not available on the day or there are concerns about reporting to the person holding that role, the incident should be immediately reported to the Accounting Officer of the Trust.
<b>4.3.3</b>	When staff report suspected fraud it is important that their suspicions are treated seriously and that all details provided by the reporting employee are recorded accurately and in a timely manner. They should be signed by the reporting employee to confirm understanding. It is essential that staff are put at ease, since the decision to report the suspected fraud may be traumatic for the individual concerned. Those reporting fraud should be assured that all information will be dealt with in the strictest confidence and that anonymity will be preserved if requested in the first instance, however anonymity may not be able to be preserved if it is incompatible with a full and fair investigation.
<b>4.3.4</b>	Once the Trust Finance Manager has received recorded details of the case, he or she should, within 24 hours, hold a meeting of the fraud investigation group, comprising the Trust Finance Manager, COO and Trust HR Manager to decide on the initial response. The fraud investigation group should report the incident and their response to the Trust's Accounting Officer within 24 hours and keep him or her informed about progress in dealing with the incident to timescales required by the Accounting Officer.
<b>4.3.5</b>	The fraud investigation group will follow the guidance provided by CIPFA's 'model set of financial regulations' for Academies 2013 – 'procedure for fraud prevention, detection and investigation' (Appendix K2), and 'fraud response plan', (Appendix K3).
<b>4.3.6</b>	Staff adhering to procedures, and who are not inhibited to challenge matters which do not appear to be correct, provide the best protection against fraud and corruption. It is essential, therefore, that this policy is fully communicated to staff. The policy must be published to staff. Regular staff notices regarding financial procedures must be communicated to staff.
<b>4.3.7</b>	The Accounting Officer, in conjunction with the COO and Trust Finance Manager, has overall responsibility for the maintenance and operation of this policy. This policy will be reviewed annually by the Trust Resource Audit & Risk Committee.

## Appendix

EFA anti-fraud checklist for academy trusts The EFA have published an anti-fraud checklist for academy trusts. It is noted that fraud occurs in every sector and although the level of identified fraud in academies is low, trusts must be aware of the potential for it to occur. The ten questions included in the checklist are intended to help governors, accounting officers and heads of finance to review their arrangements for preventing, detecting and dealing with fraud should it occur.

The risk of fraud is considered on an ongoing basis through the ATLAS risk register which is discussed at the Trust's Resource Audit & Risk Committee; the schedule for internal audit; the annually updated financial procedures handbook; the annually updated delegated levels of authority and the overall compliance with the 'EFA Financial Handbook for Academies', driven by the staff in the central Trust team through their own independent checks and training update sessions. A summary of the Finance Handbook 'musts' is discussed and circulated to all of the Headteachers in the Trust annually in September

The 10 questions that we must always be aware of are:

1. Are trustees and the accounting officer aware of the risk of fraud and their responsibilities regarding fraud?
2. Is fraud included within the remit of the Trust's Resource Committee?
3. Has the role of the external auditor and responsible officer or equivalent regarding fraud been established and is it understood?
4. Is fraud risk considered within the Trust's risk management process?
5. Does the Trust have a fraud strategy or policy and is there a 'zero tolerance' culture to fraud in the Trust?
6. Is the strategy, policy and 'zero tolerance' culture promoted within the Trust, for example through financial regulations, disciplinary procedures, checks on new staff, induction process, staff training and the vetting of contractors?
7. Does the Trust have policies on whistleblowing, declaration of interests and the receipt of gifts and hospitality?
8. Does the Trust have appropriate segregation of duties?
9. Is it clear to whom suspicions of fraud in the Trust should be reported?
10. If there has been any fraud in the Trust, has a 'lessons learned' exercise been undertaken?