



ATLAS Multi Academy Trust

ANTI BRIBERY POLICY (New Policy)

Trust sub-committee: Resources Committee

Co-ordinator: ATLAS Executive Team

Last Reviewed: Summer 2019

Next Review: Summer 2021

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

Signed by:
Margaret Chapman
Executive Head Teacher

Signed by:
Rachael Kenningham
Chair of ATLAS Board of Directors

1	RATIONALE
1.1	<p>The Bribery Act became law on 1 July 2011. It replaces what are collectively known as the Prevention of Corruption Acts 1889 to 1916. 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.</p> <p>Fraud can be defined as an abuse of knowledge or position, or deception, that is done deliberately to create an unfair gain for the perpetrator or for a related person or entity and / or cause a disadvantage to another. It can take place in many ways; withholding information, deliberately misleading, misrepresenting a situation to others or by abuse of position. Irrespective of the definition applied, fraud is always deceitful, immoral, and intentional and creates an unfair gain for one party and / or a disadvantage for another.</p> <p>Gains and losses do not have to be direct. A gain to a related party or company through intentional abuse of position, albeit not directly to the officer involved, is still fraudulent. In the same way, using the Academy's name to procure personal goods and services is also fraudulent; where there is deliberate abuse of position to make a gain in the form of goods and services at a discount price or to get the Academy to pay for them.</p>
1.2	<p><u>Corruption</u> Corruption will normally involve the above with some bribe, threat or reward being involved.</p>
1.3	<p><u>Bribery</u> There are four key offences under the Act</p> <ul style="list-style-type: none"> • Section 1 Bribing another person • Section 2 Taking a bribe • Section 6 Bribing a foreign public official • Section 7 Failing to prevent bribery

1.4	<p>Bribery is not tolerated. It is unacceptable to;</p> <ul style="list-style-type: none"> • 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 • Give, promise to give or offer a payment, gift or hospitality to a government official, agent or representative to 'facilitate' or expedite routine procedure • 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 • 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 • Retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy.
1.5	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.
1.4	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.
1.5	Organisations will have a defence against prosecution if they can demonstrate that they had "adequate procedures in place to prevent bribery".
1.6	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.
1.7	Definition of Bribery - Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.
2	AIMS
2.1	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.
2.2	The School is committed to countering bribery and corruption in all forms and will not tolerate it in any of its activities.
2.3	<p>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:</p> <ul style="list-style-type: none"> • Act honestly with integrity at all times to safeguard the School's resources for which they are responsible • Comply with the law (both in spirit and in the letter) • Abide by this policy
2.4	The policy applies to all of the School's activities including its work with strategic partners, third parties, suppliers, and others.
2.5	The policy has the approval of the Governing Body. 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.
2.6	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"> • 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 • 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. • 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. • 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. • 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. • 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. • Leadership - Holders of public office should promote and support these principles by leadership and example.
3	PROCEDURES	
	3.1	<p>Related Policies</p> <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"> • Gifts and Hospitality • Anti-Fraud and Corruption Policy • Confidential Reporting (whistle blowing) • Code of Conduct for staff • Code of Conduct for Governors • Contract Procedure Rules and Regulations and Procurement Regulations • Recruitment and Disciplinary Procedures
	3.2	<p>Staff Responsibilities and all those working or performing any service on or behalf of the School:</p> <p>Prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the School 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"> • Ensure that they read, understand and comply with the policy • Raise concerns as soon as possible if they suspect that this policy has been breached
	3.3	Adequate Procedures - the procedures need to be applied proportionately based on the level of risk of bribery to the School. Adequate procedures cover:
	3.3.1	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.
	3.3.2	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.

	3.3.3	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.
	3.3.4	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.
	3.3.5	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.
	3.4	Ultimately, whether procedures are adequate is for the courts to decide on a case by case basis.
4	MONITORING	
	4.1	The 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.
	4.2	The School monitors and reviews its policies and procedures on a regular basis to ensure that there is compliance.
	4.3	In the first instance a team comprising of representatives from the Governing Body will meet annually to review the implementation of the policy and then will review compliance with the policy.
	4.4	Reporting concerns
	4.4.1	All actual or suspected incidents of fraud, corruption or bribery in a school should be reported without delay to the 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
	4.4.2	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 Trust Business Manager. If Trust Business Manager 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.
	4.4.3	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.
	4.4.4	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, Trust Business Manager and 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.
	4.4.5	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).
	4.4.6	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.

	4.4.7	The Accounting Officer, in conjunction with the Trust Business Manager 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 Committee.
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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 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?



Equality Impact Analysis

When reviewing all schools’ policies, the following Equality Impact Analysis (EIA) should be undertaken to ensure fairness of the new proposals/policy and to identify any action needed to redress any potential discrimination, positively promoting equal opportunities, improved access and participation for all.

Title of Policy:	Anti-Bribery
Date:	Summer 2019
EIA carried out by:	Mr P O’Neill
EIA reviewed by:	Resources Committee

1. Identify the aims and objectives of the policy, what will be the proposed change and how will it be implemented	
<ul style="list-style-type: none"> Policy contains information about: Overall aims and objectives? What is the proposed change? Who is intended to benefit from the proposal and in what way? Outcomes of the policy? How will it be put into practice and who is responsible for this? 	All fully included and detailed

2. Assessment of Impact? To include impact of policy, any plans needed to mitigate any negative impact, equality issues to be addressed		
Characteristic	Group	Effect/Impact
<ul style="list-style-type: none"> Age Disability Gender reassignment Marriage/civil partnership Pregnancy/Maternity Race Religion or Belief Sex Sexual orientation 		No impact as all included within policy

3. Consultation	
<ul style="list-style-type: none"> New policy contains information about: Policy audience, expected actions and outcomes. Consultation and communication process Accessibility for all Fair access to the consultation process Lessons learnt from previous consultation, if appropriate 	Consultation with senior colleagues and staff. Policy available within the school, school internal system and to wider community online.

4. Decision	
<ul style="list-style-type: none"> Should the new proposal/policy be agreed and any impacts identified following consultations? What reasonable adjustments are required? 	No issues or adjustments required

5. Action Planning	
<ul style="list-style-type: none"> Any actions identified to address inequality for different groups? Any actions identified to promote equality and diversity? Where are these actions recorded and who is responsible for them? 	None

6. Monitoring and Review	
<ul style="list-style-type: none"> When will the impact assessment be reviewed? Who is responsible? 	<p>Autumn 2021</p> <p>Mr P O'Neill</p>

7. Publication of the results of the impact assessment	
<ul style="list-style-type: none"> Results of EIA are published – where and when? The results are kept as a public record of the EIA – where and when? 	With policy