



# EMMANUEL SCHOOLS FOUNDATION

## Anti-Bribery Policy



## ANTI-BRIBERY POLICY

At Emmanuel Schools Foundation (“Foundation”) we provide an education of character underpinned by our Christian ethos. We are therefore committed to integrity, transparency, justice and honesty in everything that we do. Bribery is therefore contrary to our ethos.

### Background

The Bribery Act passed through Parliament on the 8<sup>th</sup> April 2010. It came into force on the 1<sup>st</sup> June 2011 and is one of the strictest pieces of anti-corruption legislation in the world. A person guilty of a bribery offence is potentially liable to imprisonment for up to 10 years or to an unlimited fine. A commercial organisation guilty of the corporate offence is liable to an unlimited fine.

There are four main offences:

1. Bribing another person (section 1) – it is an offence to offer, promise or give a bribe (so-called “active bribery”).
2. Receiving bribes (section 2) – it is an offence to request, agree to receive or accept a bribe (so-called “passive bribery”).
3. Bribing foreign officials (section 6) – it is an offence to bribe a foreign public official to obtain or retain business or a business advantage.
4. Failure of commercial organisations to prevent bribery (section 7) – this offence is based on the failure by a commercial organisation to prevent bribery by people acting on its behalf including those who provide services to it (“the corporate offence”).

### The “corporate” offence in more detail

The offence; a relevant commercial organisation is guilty of an offence if any person associated with it bribes another person intending:

- a) to obtain or retain business for the commercial organisation; or
- b) to obtain or retain an advantage in the conduct of business for the commercial organisation.

A commercial organisation is very broadly defined and includes any body corporate or partnership, wherever it is incorporated / formed, which carries on a business in any part of the UK.

### Penalties

- Unlimited fine
- “Senior officers” (widely defined to include a director, manager or secretary) could also be personally liable under the Act if they have consented to or connived in the commission of a bribery offence by a body corporate.

The Foundation values its reputation for ethical behaviour and for financial probity and reliability. It recognises that over and above the commission of any crime, any involvement in bribery will also reflect adversely on its image and reputation. Its aim therefore is to limit its exposure to bribery by:

- Setting out a clear anti-bribery policy;
- Training all employees so that they can recognise and avoid the use of bribery by themselves and others;

- Encouraging its employees to be vigilant and to report any suspicion of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately;
- Thoroughly investigating potential instances of bribery and assisting the police and other appropriate authorities in any prosecution;
- Taking firm and vigorous action against any individual(s) involved in bribery.

## **The Policy**

The policy prohibits: the offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement to or from any person or company, wherever they are and whether they are a public official or body or private person or company by any employee, agent or other person or body acting on the Foundation's behalf in order to gain any commercial, contractual or regulatory advantage for the Foundation in a way which is unethical or to gain any personal advantage for the individual or anyone connected with that individual.

This policy is not meant to prohibit the following practices providing they are proportionate and are properly recorded in the gifts and hospitality register (whether accepted or not):

- normal and appropriate hospitality
- the giving of a ceremonial gift on a festival or at another special time
- the use of any recognised fast-track process which is available to all on payment of a fee, for example to gain promotion or expediting a contract
- the offer of resources to assist the person or body to make the decision more efficient provided that they are supplied for that purpose only, for example the provision of equipment or manpower

In addition, charitable donations are not covered by this policy.

The Secretary of State for Justice has stated that "no one wants to stop firms from getting to know their clients by taking them to events like Wimbledon or the Grand Prix". The Ministry of Justice has stated that, in general, the higher the expenditure and the more lavish the hospitality provided, the greater the inference that it is intended to influence another and so constitute bribery. It is obvious that the levels of appropriate expenditure will depend upon the nature of the business. Inevitably, decisions as to what is acceptable may not always be easy. If anyone is in doubt as to whether a potential act constitutes bribery, the matter should be referred to the Chair, Principal or Finance Director.

## Gifts and Hospitality

This policy does not prohibit the giving or accepting of reasonable and appropriate hospitality for legitimate purposes such as building relationships, maintaining our image or reputation, or marketing.

A gift or hospitality will be inappropriate if it is unduly lavish or extravagant, or could be seen as an inducement or reward for any preferential treatment (for example, during contractual negotiations or a tender process).

Gifts must be of an appropriate type and value depending on the circumstances and taking account of the reason for the gift. Gifts must not include cash or cash equivalents (such as vouchers), or be

given in secret. Gifts must be given in the name of the Foundation, not your name. It should be recognised that any gift from the Foundation must also comply with rules set out in the ESF Financial Handbook which sets out what is acceptable given strict rules around use of public funds.

Promotional items of low value such as branded stationery may be accepted from existing suppliers and business partners, without having to record them.

You must declare and keep a written record of all hospitality or gifts given or received. You must also submit all expenses claims relating to hospitality, gifts or payments to third parties in accordance with our expenses policy and record the reason for expenditure.

### Employee Responsibility

The prevention, detection and reporting of bribery is the responsibility of all employees throughout the Foundation.

Employees must:-

1. Whistle-blow if bribery is suspected of another employee (see Whistleblowing Policy);
2. Refuse a bribe, record its offer and report confidentially to a member of staff, as outlined below;
3. Record any donation lawfully made (whether or not accepted) in the gifts and hospitality register.

Employees or others can report confidentially any suspicion of bribery to:

- their line manager,
- the Principal,
- the Finance Director,
- or the Chairman.

### Identified Risks

The Foundation has identified the following risks of bribery. The list is not exhaustive and will be updated from time to time.

- Parents, or agents, offering inducements to staff
- Parents or agents requesting that a refund be paid into a different bank account, or to a different country, or to a different person to the one from which it was received by the Foundation
- Suppliers offering inducements to staff to purchase items or services from the particular supplier
- Disproportionate gifts or hospitality from suppliers
- Purchase ledger or employee bank details changing regularly

Should you have questions about this policy these should be directed to the Finance Director.