

# **THE SCHOOLS OF KING EDWARD VI IN BIRMINGHAM**

## **ANTI – BRIBERY AND ANTI - CORRUPTION POLICY**

<b>Status</b>	<b>Final</b>
<b>Date Approved</b>	<b>Foundation Board – 30 May 2012 Grammar Schools’ Governing Bodies – June 2012</b>
<b>Scope</b>	<b>Governors, employees and contractors of the Foundation.</b>
<b>Policy Owner</b>	<b>Director of Finance</b>
<b>Next Review Date</b>	<b>2014</b>

### **1 Introduction**

It is the policy of The Schools of King Edward VI in Birmingham (the Foundation) to conduct business in an honest way, and without the use of corrupt practices or acts of bribery.

The Foundation and its senior management are committed to ensuring compliance with the highest legal and ethical standards, and this must be reflected in every aspect of the way the organisation operates.

Bribery is a criminal offence under the Bribery Act 2010, and not just in the UK, and corrupt acts expose the Foundation, its employees and those dealing with it to the risk of prosecution, fines and imprisonment. It could endanger the reputation of the Foundation.

Bribing another person, receiving a bribe, and the failure of an organisation to prevent bribery, are all criminal offences. Penalties under the Bribery Act 2010 are severe and an individual may face an unlimited fine or up to 10 years imprisonment. Organisations that commit an offence may face an unlimited fine.

The Foundation may be held criminally liable for failing to implement adequate procedures to prevent such acts taking place.

Governors attach the utmost importance to this policy and will apply a zero tolerance approach to acts of bribery and corruption by any of the Foundation’s employees, or by any associated persons acting on its behalf or dealing with it, for example agents, contractors and consultants.

Any breach is a serious matter and is likely to result in disciplinary action. All employees and associated persons are expected to read this policy.

This policy should be read alongside the Foundation’s Gift and Hospitality Policy.

### **2 What is Bribery and Corruption?**

Bribery is improperly offering, promising, giving, accepting or soliciting a financial or other advantage as an inducement to performing a function or activity.

Corruption is the misuse of public office or power for private gain.

The corporate offence involves a person associated with the organisation (which would include, for example, an employee, consultant, contractor or agent), bribing another person or receiving a bribe which was made with the intention of obtaining or retaining an advantage in business for that organisation, without the organisation being able to demonstrate that there were adequate procedures in place to prevent that offence.

It is a strict liability offence which means the failure to prevent bribery does not have to be accompanied by any dishonest intention. If the Foundation could not demonstrate “adequate procedures” aimed at preventing bribery and corruption then an offence is committed.

Bribery or corruption are designed to influence the individual in the performance of their duty and incline them to act in a dishonest manner. It does not matter whether the act of bribery is committed before or after, say, the tendering of a contract, or the completion of an administrative task.

Bribes can be in many forms. Typically they involve corrupt, dishonest or fraudulent intent, with a likelihood of personal benefit.

### **3 Who is vulnerable to Bribery and Corruption?**

Such behaviour can be committed for example by:

- An employee, officer, director or trustee;
- Any person acting on behalf of the organisation;
- Individuals and organisations who authorise someone else to carry out these acts;
- Contractors.

School Heads and Senior Staff awarding contracts are the most vulnerable to the risk of being offered a bribe.

Acts of bribery and corruption may also involve public or government officials.

### **4 Prevention**

The preventative measures set out below will constitute the Foundation’s adequate procedures.

#### **(a) Risk Assessment**

Management must assess the vulnerability of the risk to the business of bribery and corruption on an ongoing basis and act upon any recommendation.

#### **(b) Record-keeping**

Offences often involve some degree of inaccurate record-keeping. Accurate books, records and financial reporting must be maintained, and must also be transparent. False, misleading or inaccurate records could potentially damage the organisation. Those with responsibility for maintaining and auditing financial records must be extra vigilant and act immediately on any unusual or suspicious trends.

(c) Monitoring

An effective system of internal control and monitoring of transactions must be maintained at all times. Where a risk has been identified, via the risk assessment process, procedures will be developed in order to mitigate these risks on an ongoing basis.

(d) Training & raising awareness

Staff will be made aware of this policy through staff induction and training. .

## **5 Gifts, Hospitality and Entertainment**

Gifts, hospitality and entertainment include the receipt or offer of gifts, meals, invitations to events, functions or other social gatherings in connection with matters related to the business. The acceptability or otherwise of any such gifts and other matters is dealt with in the Foundation's Gifts and Hospitality Policy.

## **6 Raising Concerns**

The Foundation relies on its senior management, its employees and associated persons to ensure that high standards of legal and ethical compliance are maintained in all of its business dealings. Everyone is encouraged to raise concerns about any instance of suspected bribery or corrupt behaviour at the earliest possible stage.

Any such concerns should be reported to and discussed with your line manager. In the case of the Chief Master and Principal, they should be reported to and discussed with the Chairman of ISGB. In the case of the School Heads they should be reported to and discussed with the Chairman of the School Governing Body. For the Secretary and members of the Board, all such offers must be reported to and discussed with the Chairman of the Board and in the case of the Chairman of the Board, the report and discussion will be with the Bailiff.

All such reports will be dealt with anonymously and confidentially. Failure to report any suspicions may, however, be treated as a disciplinary matter.

## **7 Monitoring and Review**

This policy is reviewed by the Audit Committee and recommended for approval by the Governors of the Foundation, with a recommendation that it is also adopted by the governing bodies of all the Schools of the Foundation.

May 2012

