

Queenswood



# Anti-Corruption and Bribery Policy

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## ANTI-CORRUPTION AND BRIBERY POLICY

### *Introduction*

Bribery is an inducement or reward offered, promised or provided in order to gain any improper commercial, contractual, regulatory or personal advantage. Bribery is a criminal offence. The Bribery Act 2010 identifies four categories of offence as follows:

- Offering, promising or giving a bribe.
- Requesting, agreeing to receive or accepting a bribe.
- Bribing a foreign public official to obtain or retain business.
- Failing to prevent bribery.

### *Policy Statement*

Queenswood (“the School”) is committed to conduct all of its business in an honest and ethical manner and to act in good faith. The Governing Body and Senior Management take a zero tolerance approach to bribery and corruption and the School is committed to acting professionally, fairly and with integrity in all its business dealings and relationships wherever it operates and to implementing and enforcing effective systems to counter bribery.

The School will uphold all laws relevant to countering bribery and corruption in all the jurisdictions in which it operates. It remains bound by the laws of the UK, including the Bribery Act 2010, in respect of its conduct both at home and abroad.

### *Aims and Objectives*

The aims and objectives of this policy are to:

- Set out the responsibilities of the School, and of all persons “associated” with the School, in observing and upholding the correct position on bribery and corruption.
- Provide information and guidance to all such persons on how to recognise and deal with bribery and corruption issues.

Note: A person is associated with the School if that person provides services on behalf of the School. This includes Governors, employees and agents, and may also include contractors and business partners (e.g. as in a joint venture arrangement). It would not usually include someone who merely supplies the School with goods.

### *Effect of Contravention*

Bribery and corruption are punishable for individuals by up to ten years’ imprisonment and if the School is found to have taken part in corruption it could face an unlimited fine, be excluded from tendering for public contracts and face damage to its reputation. Queenswood therefore takes its legal responsibilities very seriously.

## Risks

The following areas have been identified as particular potential risks for Queenswood:

- Accepting payments or donations in return for securing a place for a particular child or the appointment of a particular child to a position within the School, without following the School's accepted admissions and appointment procedures.
- Accepting an invitation from a supplier or parent to attend an event as their guest where the supplier or parent intends to secure an improper advantage (in this case, the offence would be committed by the supplier or parent although there is reputational risk to the School. If an "associated" person acted improperly as a result, he/she would also have committed an offence)
- Accepting a lavish gift or gifts which might induce someone to favour one particular pupil over another.
- Offering free or subsidised places to senior members of staff at feeder schools with the intention of influencing the advice or information that they give to parents about their applications to senior schools.
- Accepting a charitable donation from a business tendering for a contract with the School or favouring donors when choosing suppliers.
- Accepting personal gifts or stock personally from suppliers of products in order for them to remain as a supplier.

## Addressing risks

To address the identified risks, the School has:

- Ensured that the Governing Body and the School Executive Team are aware of the legislation and appointed the Bursar as the officer in charge of compliance with the legislation on a day to day basis.
- Communicated this policy to all employees and conducted briefings with those staff who are thought to be most at risk of being induced with bribes – i.e. in addition to the School Executive Team, those responsible for:
  - a) procuring material contracts
  - b) significant budgets
  - c) admission of pupils
  - d) awarding scholarships and bursaries
  - e) collecting unpaid debts
  - f) liaising with donors
- Posted this Anti-Bribery policy on the School's website to communicate the policy to current and prospective parents, suppliers and business partners.
- Amended the School's policy on whistleblowing to ensure it refers to the Bribery Act
- Added bribery to the list of offences that may constitute gross misconduct (with the potential for dismissal) for members of staff.

## Third parties

In this policy, third party means any individual or organisation with whom employees of Queenswood come into contact during the course of school business, and includes actual and potential clients. These are typically parents and hirers of the school facilities, other customers,

suppliers, distributors, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

### *Who is covered by the policy?*

This policy applies to all Governors and individuals working at Queenswood at all levels and grades, including senior managers, officers, employees (whether permanent, fixed-term or temporary), consultants, contractors, seconded staff, casual workers and agency staff, volunteers, agents, sponsors or any other person associated with Queenswood.

### *Gifts and hospitality*

This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties.

The giving or receipt of gifts is not prohibited if the following requirements are met:

- It is not 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 and benefits.
- It complies with local law.
- If given, it is given in the School's name, not in the name of an individual.
- If given, it does not include cash or a cash equivalent (such as gift certificates or vouchers).
- It is appropriate in the circumstances. For example, in the UK it is customary for small gifts to be given at Christmas time.
- Taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time.
- It is given openly, not secretly.

Gifts should not be offered to, or accepted from, government officials or representatives, or politicians or political parties, without the prior approval of the Bursar who will consult with the Board of Governors.

The School acknowledges that parents and pupils may choose to provide the Principal, teachers, housemistresses/houseparents and other staff with modest gifts including, inter alia, bottles of wine, books and vouchers. These should be recorded (see below) but are unlikely to be of any concern under the Bribery Act 2010 unless their value is significant in which case the employee is advised to inform the Bursar.

The School acknowledges that, for some visitors, or for parents on or after open events, small mementos may be provided.

The School recognises that the market practice of giving business gifts varies between countries and regions and what may be normal and acceptable in one region may not be in another. The test to be applied is whether, in all circumstances, the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.

## *What is not acceptable?*

It is not acceptable for an “associated” person to:

- 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.
- 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.
- Accept payment from a third party where it is known or suspected that it is with the expectation that it will obtain a business advantage for them.
- Accept a gift or hospitality from a third party where it is known or suspected that it is offered or provided with an expectation that a business advantage will be provided by the School in return.
- Threaten or retaliate against another “associated” person who has refused to commit a bribery offence or who has raised concerns under this policy.
- Engage in any activity that might lead to a breach of this policy.

## *Facilitation payments and kickbacks*

Queenswood does not make, and will not accept, facilitation payments or “kickbacks” of any kind. Facilitation payments are typically small, unofficial payments made to secure or expedite routine government action by a government official. They are not lawfully paid in the UK, but are common in some other jurisdictions. The use of any legal and recognised fast track process that is publicly available on payment of a fee should not be caught by this legislation. Kickbacks are typically payments made in return for a business favour or advantage.

If an “associated” person is asked to make a payment on behalf of Queenswood, he/she should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. He/she should always ask for a receipt which details the reason for the payment, and if there are any suspicions, concerns or queries regarding a payment, these should be raised with the Bursar.

## *Donations*

Queenswood does not make contributions to political parties. Only charitable donations are made that are legal and ethical under local laws and practices. The School may occasionally support fundraising events organised by “associated” persons. No donations must be offered without the approval of the Bursar.

## *Governor and employee responsibilities*

All Governors and employees must read, understand and comply with this policy.

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all, and everyone should avoid any activity that might lead to, or suggest, a breach of policy.

Employees must notify the Bursar as soon as possible if there is belief or suspicion that a conflict with this policy has occurred, or may occur in the future. For example, if a third party offers you something to gain a business advantage, or indicates to you that a gift or payment is required to secure their business with Queenswood.

Any employee who breaches this policy will face disciplinary action which could result in dismissal for gross misconduct. Queenswood reserves the right to terminate contractual relationships with others if they breach this policy.

### *Record keeping*

Financial records should be maintained and appropriate internal controls set in place which will evidence the business reason for making payments to third parties.

A Register should be maintained to record all hospitality or gifts accepted or offered to Governors or employees with a value in excess of £25, and this will be inspected periodically by the Bursar. All accounts, invoices, memoranda and other documents and records relating to dealings with third parties should be prepared and maintained with strict accuracy and completeness.

### *How to raise a concern*

“Associated” persons are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. Concerns should be reported by following the procedure set out in the School’s Procedure for Reporting a wrongdoing (Whistleblowing), a copy of which can be found in the Employment Handbook, or obtained from the Head of HR.

### *What to do if you are a victim of bribery or corruption*

If an “associated” person is offered a bribe by a third party, or is asked to make one, the Bursar must be informed immediately.

### *Protection*

“Associated” persons who refuse to accept or offer a bribe, or those who raise concerns or report another’s wrongdoing, are sometimes worried about possible repercussions. Queenswood aims to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.

Queenswood is committed to ensuring that no one suffers any detrimental treatment as a result of refusing to take part in bribery and corruption, or because of reporting in good faith their suspicion that actual or potential bribery or other corruption offence has taken place, or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If an employee believes that they have suffered any such treatment, the Principal or Bursar should be informed immediately. If the matter is not resolved, the matter can be raised formally using the School’s Grievance Procedure, a copy of which can be obtained from the Head of HR.

### *Training and communication*

All new employees will be made aware of this policy as part of the induction process, and all existing employees will receive periodic oral reminders. Relevant training on how to implement and adhere to this policy will be given to those considered most at risk. Risk assessments will be conducted to determine where the risks lie for the School.

The School’s zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors and business partners at the outset of any business relationship with them and as appropriate thereafter.

### *Who is responsible for the policy?*

The Board of Governors has overall responsibility for ensuring this policy complies with the School's legal and ethical obligations and that all "associated" persons comply with it.

The Bursar has primary and day-to-day responsibility for implementing this policy, for monitoring its use and effectiveness, and for dealing with any queries on its interpretation.

Management at all levels is responsible for ensuring that those reporting to them are made aware of and understand this policy.

### *Monitoring and Review*

The School Executive Team will oversee compliance with this policy and the Bursar will monitor its effectiveness and implementation on a regular basis, considering its suitability, adequacy and effectiveness. Compliance will be reported annually to the Board of Governors. Any improvements or amendments identified for this policy will be implemented as soon as possible and internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering bribery and corruption.

All "associated" persons are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.

"Associated" persons are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Bursar.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

The School may report any matter to the relevant authorities including the Director of Public Prosecution, Serious Fraud Office, HM Revenue and Customs and/or the police.