



## **ANTI-BRIBERY, GIFTS AND HOSPITALITY POLICY**

### **Introduction**

This policy applies to the Queen Ethelburga's Collegiate - Queen's Kindergarten, Chapter House Preparatory School, King's Magna Middle School, Queen Ethelburga's College and The Faculty of Queen Ethelburga's - hereafter referred to as "the Collegiate".

The Collegiate is committed to the highest standards of ethical conduct and integrity in its business activities in the UK and overseas. This policy outlines its position on preventing and prohibiting bribery, in accordance with the Bribery Act 2010. The Collegiate will not tolerate any form of bribery by, or of, its employees, agents or consultants or any person or body acting on its behalf. Senior management is committed to implementing effective measures to prevent, monitor and eliminate bribery.

### **Aims**

The aim of this policy is to make clear what is, and is not, acceptable, in order to sustain the highest standards of ethical conduct, and to establish procedures to be implemented, should there be any suspicion of misconduct.

### **Scope of this policy**

This policy applies to all employees and officers of the Collegiate, and to temporary workers, consultants, contractors, agents and subsidiaries acting for, or on behalf of, the Collegiate ("associated persons") within the UK and overseas. Every employee and associated person acting for, or on behalf of, the Collegiate is responsible for maintaining the highest standards of business conduct. Any breach of this policy is likely to constitute a serious disciplinary, contractual and criminal matter for the individual concerned and may cause serious damage to the reputation and standing of the Collegiate.

The Collegiate may also face criminal liability for unlawful actions taken by its employees or associated persons under the Bribery Act 2010. All employees and associated persons are required to familiarise themselves and comply with this policy, including any future updates that may be issued from time to time by the Collegiate.

The Bribery Act 2010 is in force from 1 July 2011. This policy covers:

- the main areas of liability under the Bribery Act 2010;
- the responsibilities of employees and associated persons acting for, or on behalf of, the Collegiate;
- the consequences of any breaches of this policy.

### **Bribery Act 2010**

The Collegiate is committed to complying with the Bribery Act 2010 in its business activities in the UK and overseas.

Under the Bribery Act 2010, the offence of bribery is committed where:

- (1) someone offers, promises or gives a financial or other advantage to another person with the intention that the advantage will induce the improper performance of a relevant function or activity or will to reward a person for the improper performance of such a function or activity; or
- (2) someone offers, promises or gives a financial or other advantage to another person, and knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity;
- (3) someone requests, agrees to receive or accepts a financial or other advantage:
  - (a) intending that, in consequence, a relevant function or activity should be performed improperly;
  - (b) and the request, agreement or acceptance itself constitutes the improper performance of a relevant function or activity; or
  - (c) as a reward for the improper performance (whether by them or by another person) of a relevant function or activity;
- (4) in anticipation of or in consequence of someone requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly, whether by that person or by someone else at that person's request or with his or her assent or acquiescence.

A relevant function or activity includes public or business activities, or any activity performed in the course of a person's employment, where the person performing that activity is expected to perform it in good faith, impartially, or in accordance with a position of trust.

There is also a separate offence of bribing a foreign public official with the intention of influencing how that official carries out his or her duties.

An organisation can also be guilty of an offence under the Bribery Act 2010 if a person associated with it bribes another person with the intention of obtaining or retaining business for the organisation or any business advantage for the organisation, but it is a defence for the organisation to provide that it had adequate procedures in place designed to prevent bribery by those associated with it.

All employees and associated persons are required to comply with this policy, in accordance with the Bribery Act 2010.

### **What is prohibited?**

The Collegiate prohibits the acceptance of any gift from, or the offering or giving of any gift to, a third party in the following circumstances:

- it is given 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 or benefits;
- it contravenes the law;
- it is given in your name, not in the name of the Collegiate;
- it includes cash or a cash equivalent such as gift certificates or vouchers;

- taking into account the reason for the gift, it is of an inappropriate type and value and given at an inappropriate time;
- it is given secretly; or
- where the third party is a government official or representatives, or a politician or political party.

## **Records**

Employees and, where applicable, associated persons, are required to take particular care to ensure that all the Collegiate records are accurately maintained in relation to any contracts or business activities, including financial invoices and all payment transactions with clients, suppliers and public officials.

Due diligence should be undertaken by employees and associated persons prior to entering into any contract, arrangement or relationship with a potential supplier of services, agent, consultant or representative. Employees and associated persons are required to keep accurate, detailed and up-to-date records of all corporate hospitality, entertainment or gifts accepted or offered.

## **Working overseas**

### Principle

Employees and associated persons conducting business on behalf of the Collegiate outside the UK may be at greater risk of being exposed to bribery or unethical business conduct than UK-based employees. Employees and associated persons owe a duty to the Collegiate to be extra vigilant when conducting international business.

### Procedure

Employees and associated persons are required to report suspicions of bribery to their Head of Department / Line Manager or the Principal or the designated deputy in their absence. If an employee or associated person is in any doubt as to whether or not a potential act constitutes bribery, the matter should be referred to their line manager.

## **Corporate entertainment, gifts, hospitality and promotional expenditure**

### Principle

The Collegiate permits corporate entertainment, gifts, hospitality and promotional expenditure that is undertaken:

- for the purpose of establishing or maintaining good business relationships;
- to improve the image and reputation of the Collegiate;
- to present the Collegiate's services effectively;

provided that it is:

- arranged in good faith,
- not offered, promised or accepted to secure an advantage for the Collegiate or any of its employees or associated persons or to influence the impartiality of the recipient.

The Collegiate will authorise only reasonable, appropriate and proportionate entertainment and promotional expenditure.

This principle applies to employees and associated persons, whether based in the UK or overseas.

## Procedure

Employees and, where relevant, associated persons should submit requests for proposed hospitality and promotional expenditure to the Principal.

Employees are required to set out in writing:

- the objective of the proposed client entertainment or expenditure;
- the identity of those who will be attending;
- the organisation that they represent;
- details and rationale of the proposed activity.

The Collegiate will approve business entertainment proposals only if they demonstrate a clear business objective and are appropriate for the nature of the business relationship. The Collegiate will not approve business entertainment where it considers that a conflict of interest may arise or where it could be perceived that undue influence or a particular business benefit was being sought.

Any gifts, rewards or entertainment received or offered from clients, public officials, suppliers or other business contacts should be reported immediately to the Principal. In certain circumstances, it may not be appropriate to retain such gifts and employees may be asked to return the gifts to the sender or refuse the entertainment, for example, where there could be a real or perceived conflict of interest.

## **What practices are permitted?**

This policy does not prohibit:

- normal and appropriate hospitality and entertainment
- the use of any recognised fast-track process that is publicly available on payment of a fee
- small tokens of appreciation, such as flowers or a bottle of wine, being retained by employees.

A gift or other benefit may only be accepted if:

- you declare the gift in the register kept by the Principal's PA where there is a possibility it could be misconstrued, or in any event where the gift is of a value of more than £30. The Principal may in their absolute discretion require you to decline the gift
- it does not include cash or a cash equivalent (such as gift certificates or vouchers)
- it is appropriate in the circumstances (e.g. it is given as a "thank you" for providing extra tuition or support)
- 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; and
- it is not made in explicit or implicit exchange for favours or benefits or with the apparent intention of securing some advantage from you.

Any such practices must be proportionate, reasonable and made in good faith. Clear records of gifts, hospitality or entertainment must be kept and provided for the Principal.

## **Reporting suspected bribery**

### Principle

The Collegiate depends on its employees and associated persons to ensure that the highest standards of ethical conduct are maintained in all its business dealings. Employees and associated

persons are requested to assist the Collegiate and to remain vigilant in preventing, detecting and reporting bribery.

Employees and associated persons are encouraged to report any concerns that they may have to the appropriate member of senior management as soon as possible. Issues that should be reported include:

- any suspected or actual attempts at bribery;
- concerns that other employees or associated persons may be being bribed;
- concerns that other employees or associated persons may be bribing third parties, such as clients or government officials.

### Procedure

Employees should record any incidents of suspected bribery. Any such reports will be thoroughly and promptly investigated by the appropriate member of senior management in the strictest confidence. Employees and associated persons will be required to assist in any investigation into possible or suspected bribery.

Employees will also be required to comply with the Collegiate's whistleblowing policy.

Employees or associated persons who report instances of bribery in good faith will be supported by the Collegiate. The Collegiate will ensure that the individual is not subjected to detrimental treatment as a consequence of his/her report. Any instances of detrimental treatment by a fellow employee because an employee has made a report will be treated as a disciplinary offence. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees and associated persons should not agree to remain silent. They should report the matter to an appropriate member of senior management.

### **Action by the Collegiate**

The Collegiate will fully investigate any instances of alleged or suspected bribery. Employees suspected of bribery may be suspended from their duties while the investigation is being carried out. The Collegiate will invoke its disciplinary procedures where any employee is suspected of bribery, and proven allegations may result in a finding of gross misconduct and immediate dismissal. The Collegiate may terminate the contracts of any associated persons, including consultants or other workers who act for, or on behalf of, the Collegiate who are found to have breached this policy.

The Collegiate may also report any matter to the relevant authorities, including the Director of Public Prosecutions, Serious Fraud Office, Revenue and Customs Prosecutions Office and the police. The Collegiate will provide all necessary assistance to the relevant authorities in any subsequent prosecution.

### **Related Policies**

The anti-bribery policy must be considered alongside other relevant procedures and Collegiate policies, including the Whistle-blowing Policy.

### **Review of procedures**

The Collegiate Board will monitor and review the implementation of this policy and related procedures on a regular basis, including reviews of internal financial systems, expenses, corporate hospitality, gifts and entertainment policies.

The Collegiate reserves the right to amend and update this policy as required. For the avoidance of doubt, this policy does not form part of employees' contracts of employment.

Policy implemented December 2013.

Reviewed – July 2014

Reviewed August 2015 DW/VWV

Reviewed July 2016 ABR

Reviewed June 2017 ABR

Reviewed May 2018 ABR

To be reviewed June 2019