



TOLWORTH GIRLS' SCHOOL & SIXTH FORM

ANTI-CORRUPTION & BRIBERY POLICY

Governing Body Committee: Finance, Assets & Audit (F, A & A)

Date approved: F, A & A (13 Mar 23)

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School definitions

For clarity and transparency we use the following definitions.

Associated persons

An associated person is someone who provides goods or services to, or on behalf of, the school or academy and could include contractors or suppliers.

Bribery

The Bribery Act 2010 (which became law on 1 July 2011) defines bribery as giving someone a financial or other advantage to encourage that person to perform their function or activities improperly or to reward that person for already having done so. Bribery is a serious criminal offence and the academy does not and will not pay bribes or offer inducement to anyone for any purpose. Equally the academy does not and will not accept bribes or improper inducements.

There are four key offences under the Act:

- Section 1 bribing another person.
- Section 2 taking a bribe.
- Section 6 bribing a foreign public official.
- Section 7 failing to prevent bribery.

It is important to note from the above sections of the Bribery Act that it is also an offence for schools to fail to prevent employees and other associated persons from giving or receiving bribes. However, if a school can prove that it has adequate procedures in place to prevent bribery, it will have a defence against this offence. Any individuals who are convicted of a bribery offence can face up to ten years' imprisonment. Any school in which bribery is found to have taken place may receive an unlimited fine and be excluded from tendering for public contracts. It is also probable that its reputation will be irreparably damaged.

The Criminal Finances Act 2017 might impact upon a case of bribery should any kind of taxation offence be suspected.

In May 2018, a House of Lords Select Committee was formed to consider any revisions and/or amendments to the Bribery Act. This committee reported in March 2019 and made a series of recommendations, but no revisions/amendments to the Act have yet been formulated (August 2021).

Corruption

Corruption is the offering, giving, soliciting or acceptance of an inducement or reward which may influence actions being taken. The areas of school activity which are most susceptible to corruption include:

- Tenders
- Contracts
- Disposal of assets
- Licences and planning

Fraud

Under the Fraud Act 2006, fraud is deceit, trickery, sharp practice or breach of confidence, perpetrated for profit or to gain some unfair or dishonest advantage. In the broadest sense, a fraud is an intentional deception made for personal gain or to damage another individual. It is also false representation, failure to disclose information when there is a legal duty to do so and abuse of position. Fraud is both a crime and a civil law violation. Defrauding people or entities of money or valuables is a common purpose of fraud, but there have also been fraudulent 'discoveries', e.g. in science, to gain prestige rather than immediate monetary gain.

A hoax also involves deception, but without the intention of gain or of damaging or depriving the victim.

A contextual example of fraud is the intentional distortion of financial statements or other records by persons internal or external to the academy which is carried out to conceal the misappropriation of assets or otherwise for gain.

Specific examples of fraud that schools/academies may be at risk of include:

- Falsifying or altering accounting records or other documents.
- Suppressing or omitting the effects of transactions from records or documents.
- Adding records of transactions which have no substance.
- Wilful misrepresentation of transactions or other school affairs.
- Accepting payment for securing a place for a child at a school/academy.
- Accepting an invitation to an event from a parent or supplier who intends to gain an improper advantage.
- Accepting expensive gifts from a parent or child which were given with the intention of one student being favoured over others.

Theft

The 1968 Theft Act (as amended in 1978 and 1996) states that a person shall be guilty of theft if s/he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it.

Context

We recognise that:

- Whether large or small, schools/academies are complex organisations.
- An unequivocal commitment to effectively discharging our responsibility to safeguard public and private funds is a pre-requisite for demonstrating the highest standards of integrity.

Consequently the governing board, in consultation with the Headteacher and Senior Leaders, has agreed proportionate procedures to prevent and detect fraud, corruption and bribery.

To this end we aim to create, embed, develop and maintain an anti-fraud, anti-corruption and anti-bribery culture across all aspects of the school's activity.

The policy applies to all of the school's activities including its work with strategic partners, third parties, suppliers and others.

This culture will support:

- An ethos for:
 - Deterring corruption, fraud and bribery.
 - Preventing corruption, fraud and bribery that cannot be deterred.
 - Detecting corruption, fraud and bribery that cannot be prevented.
- A framework for:
 - Investigating and facilitating recovery of losses.
 - Invoking staff disciplinary proceedings.
 - Applying sanctions against people who commit fraud or bribery offences including referral to the police.
 - Seeking redress for fraud, overpayment and losses.
 - Monitoring, publishing and updating our policy and procedures.
 - Evaluating the impact of policy and procedures on performance.

The showing of appreciation to staff through small gifts from parents/carers and students is not affected by this policy because such gifts are not bribes.

School strategy

- The Headteacher will identify a lead professional to take day-to-day responsibility for the oversight of the academy's anti-corruption and bribery policy (ACBP).
- S/he will carry out a risk assessment covering corruption and bribery risks across all school operating procedures.
- S/he will implement and strictly enforce the academy's ACBP.
- At least annually s/he will provide advice, support and/or training on what is acceptable and what is not acceptable in terms of gifts, hospitality and acceptance of donations.

- S/he will maintain a register of gifts and donations received by the academy members of staff.
- S/he will provide advice to appropriate school staff before contracting with or providing benefits to donors.
- S/he will ensure no gifts are provided for public officials.
- S/he will carry out due diligence on potential business partners before the academy enters into any business relationship or project with them.
- S/he will advise on financial/business links with parents/carers.
- S/he will actively support leadership and governance in communicating zero tolerance of corruption and/or bribery.
- S/he will identify the training needs of different categories of academy staff and provide regular tailored continuing professional development to meet those training needs.
- S/he will update all associated academy policies and practices to include, where relevant, references to procedures for investigating any allegations of corruption and/or bribery and, in the case of the academy whistleblowing policy, to include directions for reporting corruption and/or bribery.
- S/he will review how we work to ensure clarity of roles and responsibilities in relation to fraud.
- S/he will establish a mechanism for the reporting of fraud.
- S/he will encourage and enable all staff to raise serious concerns.
- S/he will report regularly to the Headteacher on the efficacy of school arrangements and at least annually to the governing board.

Academy practice

Everyone employed by the academy is required to adhere to the ACBP. This applies to all staff regardless of grade, whether permanently employed, temporary agency staff, contractors, agents, all governors, volunteers and consultants. Failure to comply with any aspect of the ACBP will be a breach of conduct and possibly a criminal offence and will be investigated.

Where there is a suggestion of a breach of the ACBP, the academy will fully investigate. Employees may be suspended while the investigation is being carried out. The academy will invoke its disciplinary procedures where any employee is suspected of being in breach of its ACBP. This may result in a finding of gross misconduct and dismissal.

The Headteacher, along with the Governors/Trustees will decide whether any matter is referred to the police for further investigation.

To ensure all our practices are beyond reproach we require all staff members to support and co-operate with the lead professional responsible for our ACBP.

We expect and encourage all staff members to raise any concerns they may have relating to fraud and corruption. Care, however, must always be taken to ensure such concerns are raised in good faith. In the first instance, concerns can be raised with the individual's line manager, or anti-corruption and bribery officer. If told not to raise or pursue any concern, members of staff should not agree to remain silent. The attention of all staff is drawn to our whistleblowing policy.

All staff members are required to attend designated training, in line with our ACBP, and to sign to confirm they have read relevant information produced, from time-to-time, as guidance documents.

All staff members are required to conform to guidance which is issued by the academy, including what is acceptable and what is not acceptable in terms of gifts, hospitality and the acceptance of donations.

All staff dealing with finance must undertake training to ensure the highest standards of accounting are maintained.

All staff involved in recruitment and appointment must adhere to the academy's rigorous safer recruitment procedures. It is also recommended that steps are taken during the recruitment process to ensure that all potential employees have a good record in terms of their integrity and propriety.

Receipt of gifts, hospitality, entertainment and other favours

The academy depends on its employees and governors to ensure that the highest standards of ethical conduct are maintained in its business dealings.

The academy maintains a register of gifts and favours offered and whether these were accepted or rejected. The employee or governor is required to report offers to the academy's anti-corruption and bribery officer promptly and, in any event, so that the register can be completed within seven days of the offer being made. The register is presented to the governing board on a termly basis.

Employees and governors should report any incidents of suspected bribery to the academy's anti-corruption and bribery officer at the earliest possible time that a concern is identified. These may include:

- Suspected or actual attempts at bribery for the employee or governor.
- Concerns that other employees or governors may be being bribed.
- Concerns that other employees or governors may be bribing third parties.

The academy will immediately carry out a thorough investigation and take appropriate action if the allegations are proven, including reporting any matter to the relevant authorities.

Governors and members of staff involved in making buying decisions may not accept excessive, frequent or regular gifts, hospitality, entertainment or other services from existing or prospective suppliers.

They may not receive hospitality in the form of holidays or weekends away, tickets to theatres or other entertainment events or the use of company flats, hotel suites or hospitality boxes at sporting and other events.

They must exercise extreme caution where any gift and/or hospitality is offered by a person or organisation seeking to do business with the academy. When considering whether to accept such offers, they must consider whether these could affect their independence, or cause concern that they might affect their independence, and report the offer to the academy's anti-corruption and bribery officer before acceptance.

A 'trivial gift' or modest gift of a promotional nature given to a wide range of people and not uniquely to one individual may be deemed as acceptable. Such gifts may include calendars, diaries, pens or other small items and do not need prior approval for acceptance. They also do not need to be recorded in the gifts and hospitality register.

Expenditure on hospitality and gifts

The academy allows expenditure on hospitality provided that it is:

- Arranged in good faith.

- Not offered, promised or accepted to secure an advantage for the academy or any of its employees or associated persons or to influence the impartiality of the recipient.

Employees should submit requests for such expenditure to the Finance Manager detailing:

- The objective of the proposed expenditure.
- The identity of those who will be attending, in the case of an event.
- Details and the rationale of the proposed activity.

Expenditure will only be authorised where the anti-corruption and bribery officer considers that:

- No conflict of interest may arise.
- It could not be perceived that undue influence or a business benefit was being sought.

Such expenditure is reported to the full governing board and the academy maintains a register of expenditure incurred.

Business entertaining

- It is recognised that there is a legitimate business need, on occasions, for representatives of the academy to entertain or provide hospitality to official visitors to the academy.
- When entertaining official visitors, the representation from the academy should not be disproportionate to those being entertained. There should be more external guests than academy employees at any one event and only essential employees should attend.
- Water, teas, coffees and other refreshments, including light lunches or a modest dinner are a permissible expense when providing hospitality to external visitors to the academy, or candidates for interview. In-house catering provision will be used wherever possible.
- Hospitality costs must be authorised by the Headteacher in advance, who should record the reason why they feel this provides value for money to the academy. The costs should be kept to a minimum and paid for through private/unrestricted funds.
- The following information must be provided to support the claim:
 - The names of the attendees.
 - The organisation which they represent.
 - The purpose of the entertainment.
 - The reason why the Headteacher believes this provides value for money to the academy.

Staff entertaining

School funds must not be used:

- To provide hospitality or meals for staff.
- To purchase food or beverages at restaurants or hotels for academy staff and/or their families.

Where academy staff are on residential training courses, personal expenditure incurred during an overnight stay such as alcohol, newspapers, private telephone calls etc, must be paid for before departure by the employee and cannot be reclaimed from the academy.

Purchase of alcohol

School funds may not be used for the purchase of alcohol.

Expenditure on gifts

The purchase of gifts, using school funds, is not allowed in maintained schools. These must be covered by private collections made from Employees and Governors.

The legal situation for academies on the purchase of gifts is flexible. The Academy Trust Handbook 2022 states that 'when making gifts, the trust must ensure the value is reasonable, is within its scheme of delegation, the decision is documented and achieves propriety and regularity in the use of public funds'. But individual academies or MATs may well choose to operate a zero tolerance policy, such as the one above, as a matter of principle and in order to avoid any possible allegation of bribery.

Private use

The academy does not obtain goods or services for the private use of Governors and members of staff. Governors and members of staff may not:

- Hold any interest in any equipment or property held or used for the academy.
- Acquire any interest in the disposal of school equipment or property at the end of any contract between the academy and any third party.

School community

This policy does not attempt to cover every aspect of theft, fraud corruption and bribery. It is intended to promote a framework whereby all members of the school community may work constructively together for the good of the academy and all who work and learn here.

This policy will be reviewed at least annually and contributions from all categories of staff will be sought and welcomed.

The most important aspect of our policy and practice is to demonstrate the highest standards of integrity in all we do.

This policy should be read in conjunction with the Register of business/pecuniary interests, Whistleblowing, and Gifts & Hospitality policies.