



St Thérèse of Lisieux Catholic Multi Academy Trust Anti-Bribery and Corruption Policy

Audience:	Central Team and all other CMAT employees
Approved:	12/10/2020
Policy Owner:	Louise Wilson – Accounting Officer
Policy Prepared By:	Rachel Abbott – Senior Finance Manager
Policy Model:	Compliance – all CMAT academies use this policy
Review:	3 Yearly
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Scope of this policy

This policy applies to all persons working for St Thérèse of Lisieux Catholic Multi Academy Trust (The Trust) or on our behalf in any capacity, including employees at all levels, directors, officers, agency workers, seconded workers, volunteers, external consultants, contractors, third-party representatives, business partners, sponsors or any other person associated with us, wherever located (collectively referred to as employees in this policy).

Objective of this policy

The objective of this policy is to:

- set out our responsibilities, and of those working for us, in observing and upholding our position on bribery and corruption
- provide information and guidance to those working for us on how to recognise and deal with bribery and corruption issues.

Ownership of this policy

This policy is owned by The Trust's Finance and Estates Committee. Each academy will adopt this policy.

Monitoring of this policy

The Senior Finance Manager will implement this policy across the Trust on a day to day basis and a statement will be issued in the Annual Report and Accounts reporting on the key performance measures in this policy. Each academy will make this policy available to all employees.

Relevant legislation

This policy is a requirement of the Bribery Act 2010

Related policies/documents

Gifts and Hospitality Policy

Competitive Tendering Policy - Finance Regulations Manual

Whistleblowing Policy

1. Introduction

It is The Trust's policy to conduct all of its business in an honest and ethical manner. We take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our business dealings and relationships and implementing and enforcing effective systems to counter bribery and corruption.

The Trust will uphold all laws relevant to countering bribery and corruption. However, we remain bound by UK laws, including the Bribery Act 2010, in respect of our conduct both at home and any business abroad.

It is a criminal offence to offer, promise, give, request or accept a bribe. Individuals found guilty can be punished by up to ten years' imprisonment and/or a fine.

As an employer if we fail to prevent bribery we can face an unlimited fine, exclusion from tendering for public contracts and damage to our reputation. We therefore take our legal responsibilities very seriously.

In this policy, third party means any individual or organisation staff come into contact with during the course of work for The Trust and includes actual and potential customers, suppliers, distributors, business contacts, advisers, government and public bodies, including their advisers, representatives, officials, politicians and political parties.

2. What is meant by Bribery and Corruption?

Bribery is offering, promising, giving or accepting any financial or other advantage, to induce the recipient or any other person to act improperly in the performance of their functions, or to reward them for acting improperly by accepting the advantage. An advantage includes money, gifts, loans, hospitality, services, discounts and the award of a contract or anything else of value.

A person acts improperly where they act illegally, unethically, or contrary to an expectation of good faith or impartiality, or where they abuse a position of The Trust. The improper acts may be in relation to any business or professional activities, public functions, acts in the course of employment, or other activities by or on behalf of any organisation of any kind.

Corruption is the abuse of entrusted power or position for private gain.

Examples:

Offering a bribe – where you offer a potential client tickets to a major sporting event, but only if they agree to do business with us. This would be an offence as you are making the offer to gain a commercial and contractual advantage. The Trust may also be found to have committed an offence because the offer has been made to obtain business for us. It may also be an offence for the potential client to accept your offer.

Receiving a bribe – where a supplier gives your nephew a job, but makes it clear that in return they expect you to use your influence in our organisation to ensure we continue to do business with them. It is an offence for a supplier to make such an offer. It would be an offence for you to accept the offer as you would be doing as to gain a personal advantage.

3. What you must not do

It is not acceptable for you (or someone on your behalf) 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 or accept a gift or hospitality during any commercial negotiations or tender process, if this could be perceived as intended or likely to influence the outcome
- accept a payment, gift or hospitality from a third party that you know or suspect is offered with the expectation that it will provide a business advantage for them or anyone else in return
- accept hospitality from a third party that is unduly lavish or extravagant under the circumstances
- offer or accept a gift to or from government officials or representatives, or politicians or political parties without prior approval of the CEO
- threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy
- engage in any other activity that might lead to a breach of this policy

4. Facilitation Payments and Kickbacks

The Trust does not make, or will not accept, facilitation payments or “kickbacks” of any kind.

Facilitation payments, also known as “back-handers” or “grease payments”, are typically small, unofficial payments made to secure or expedite a routine or necessary action (for example by a government official). They are not common in the UK, but are common in some other jurisdictions.

Kickbacks are typically payments made in return for a business favour or advantage.

All workers must avoid any activity that might lead to a facilitation payment or kickback being made or accepted by us or on our behalf, or that might suggest that such a payment will be made or accepted.

If you are asked to make a payment on our behalf, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment.

If you have any suspicions, concerns or queries regarding a payment, you should raise these with the CEO.

5. Gifts, Hospitality and Expenses

It is the Trust policy to conduct business in an open, transparent and honest way, and we are seeking the commitment of all of our employees and of all those with whom we engage in our professional practice to uphold this policy.

The Trust will encourage all its employees to adopt an ethical approach, and to raise any matter for concern relating to business ethics at an appropriate level.

If anyone is found to have wilfully breached this policy, then appropriate action will be taken.

Advice on any aspects the gifts and hospitality policy is available from the Company Secretary, however listed below are some key points that must be observed:

- Do not accept any inducements or gifts, other than items of small value, such as business diaries or calendars:
 - Inducements or gifts include the receipt or offer of gifts, meals or tokens of appreciation in connection with matters related to our business.

- Business Gifts & Hospitality, trips events or activities funded by a supplier:
 - Should be dealt with in an open and honest manner – those which may be perceived to influence their judgement should not be accepted
 - Should never be excessive or frequent
 - Should generally not be accepted from non- trading companies or individuals
 - Should be appropriate to the trading relationship
 - Should not be accepted if the supplier/product area is currently under evaluation or competitive review
 - The same rules apply to close family members

Bribery is a criminal offence under the UK Bribery Act 2010, and corrupt acts expose the organisation and its employees to the risk of prosecution, fines and imprisonment, as well as endangering our reputation.

This policy takes a zero tolerance to any act of bribery and corruption.

6. Donations

The Trust does not make contributions to political parties.

The Trust only makes charitable donations that are legal and ethical under local laws and practices. No donation must be offered or made without the prior approval of the CEO.

7. Your Responsibilities

You must ensure that you read, understand and comply with this policy.

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for us or other control. All employees are required to avoid any activity that might lead to, or suggest a breach of this policy.

You must notify the CEO or Head Teacher as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future. For example, if a supplier or potential supplier offers you something to gain a business advantage with us, or indicates to you that a gift or payment is required to secure their business. Further “red flags” that may indicate bribery or corruption are set out in appendix I.

Any employee who breaches this policy may face disciplinary action, which could result in dismissal for gross misconduct. We reserve the right to terminate our contractual relationship with other partners if they breach this policy.

8. Record Keeping

Financial records are required to be kept and maintained and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

You must keep a written record of all hospitality or gifts received, as per the gifts and hospitality policy. This will be subject to managerial and audit review.

You must submit any expenses claims relating to hospitality, gifts or payments to third parties in accordance with our expenses policy and record reason for expenditure.

All accounts, invoices and other records relating to dealings with third parties including suppliers and customers should be prepared with strict accuracy and completeness. Accounts must not be kept “off-book” to facilitate or conceal improper payments.

9. How to Raise a Concern?

You are encouraged to raise concerns about any issue or suspicion of bribery or corruption at the earliest possible stage.

If you are offered a bribe, or are asked to make one, or if you believe or suspect that any bribery, corruption or other breach of this policy has occurred or may occur, you must notify the CEO or Head Teacher as soon as possible.

If you are unsure about whether a particular act constitutes bribery or corruption, raise it with the CEO or Head Teacher for clarification.

10. Protection

Employees who refuse to accept or offer a bribe, or those who raise concerns or report another’s wrongdoing are sometimes worried about possible repercussions. We aim 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.

We are committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an 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 you believe that you have suffered any such treatment, you should inform the HR Manager immediately. If the matter is not remedied, and you are an employee, you should raise it formally using our Grievance Procedure.

Appendix I

Potential risk scenarios: “red flags”

The following is a list of possible red flags that may arise during the course of you working for us and which may raise concerns under various anti-bribery and anti-corruption laws. The list is not intended to be exhaustive and is for illustrative purposes only.

If you encounter any of these red flags while working for us, you must report them promptly to the CEO or Head teacher or by using the procedure set out in the Whistleblowing Policy:

- you become aware that a third party engages in, or has been accused of engaging in, improper business practices
- you learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation having a “special relationship” with foreign government officials
- a third party insists on receiving a commission or fee payment before committing to sign up to a contract with us, or carrying out a government function or process for us
- a third party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made
- a third party requests that payment is made to a country or geographical location different from where the third party resides or conducts business
- a third party requests an unexpected additional fee or commission to “facilitate” a service
- a third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services
- a third party requests that a payment is made to “overlook” potential legal violations
- a third party requests that you provide employment or some other advantage to a friend or relative
- you receive an invoice from a third party that appears to be non-standard or customised
- a third party insists on the use of side letters or refuses to put terms agreed in writing
- you notice that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided
- a third party requests or requires that use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to us
- you are offered an unusually generous gift or offered lavish hospitality by a third party.