



## Anti-Corruption & Bribery Policy (including gifts and hospitality)

September 2018

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Links to:	
<ul style="list-style-type: none"><li>• Anti Fraud policy</li><li>• Whistle Blowing Policy</li><li>• Grievance Procedure</li></ul>	

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## 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 wherever we operate 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.
- The purpose 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.
- 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 contract with during the course of work for The Trust and includes actual and potential clients, customers, suppliers, distributors, business contacts, agents, advisers, government and public bodies, including their advisers, representatives, officials, politicians and political parties.

### **Who must comply with this Policy?**

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

## 2. What is meant by bribery and corruption?

- a. 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, fees, hospitality, services, discounts and the award of a contract or anything else of value.
- b. 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.
- c. Corruption is the abuse of entrusted power or position for private gain.

### **Examples:**

- d. **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.

- e. **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.
- f. **Bribing a foreign official** – where you arrange for the business to pay an additional “facilitation” payment to a foreign official to speed up an administrative process. The offence of bribing a foreign public official is committed as soon as the offer is made. This is because it is made to gain a business advantage for us. We may also be found to have committed an offence.

### 3. What you must not do

- a. 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 Chief Executive Officer
  - 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’

- a. The Trust does not make, or will not accept, facilitation payments or “kickbacks” of any kind.
- b. 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.
- c. Kickbacks are typically payments made in return for a business favour or advantage.
- d. 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.
- e. 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.
- f. If you have any suspicions, concerns or queries regarding a payment, you should raise these with the Chief Executive Officer.

## **5. Gifts, hospitality and expenses**

- a. This policy allows reasonable and appropriate hospitality or entertainment given to or received from third parties, for the purposes of:
  - establishing or maintaining good business relationships
  - improving or maintaining our image or reputation
  - marketing or presenting our products and/or services effectively.
- b. The giving and accepting of gifts is allowed if the following requirements are met:
  - it is not made with the intention of influencing, or which may be perceived as influencing somebody's judgment, 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 is given in The Trust's name, not in your name
  - it does not include cash or a cash equivalent (such as a gift certificate or vouchers)
  - it is appropriate in the circumstances, taking account of the reason for the gift, its timing and value. For example, in the UK it is customary for small gifts to be given at Christmas e.g. a box of chocolates
  - it is given in an open and honest manner
  - it complies with any applicable local law
  - the amount is not excessive or frequent
  - Should be appropriate to the trading relationship
  - the Chief Executive Officer will authorise only reasonable, appropriate and proportionate entertainment and promotional expenditure that has been recorded on the Supplier Funded Activity Log/Gift Register (Appendix 1)
  - employees and, where relevant, associated persons should submit requests for proposed hospitality and promotional expenditure well in advance of proposed dates to their line manager.
- c. Bribery is a criminal offence under the UK Bribery Act 2010, and corrupt acts expose the organization and its employees to the risk of prosecution, fines and imprisonment, as well as endangering our reputation.
- d. This policy takes a zero tolerance to any act of bribery and corruption.

## **6. Donations**

- a. The Trust does not make contributions to political parties.
- b. 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 Chief Executive Officer and Chief Finance Officer.

## **7. Your responsibilities**

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

- c. You must notify the Chief Executive Officer 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 client or potential client 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 2.
- d. Any employee who breaches this policy will 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**

- a. 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.
- b. You must keep a written record of all hospitality or gifts received, which will be subject to managerial review.
- c. You must submit all expenses claims relating to hospitality, gifts or payments to third parties in accordance with our expenses policy and record reason for expenditure.
- d. 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**

- a. You are encouraged to raise concerns about any issue or suspicion of bribery or corruption at the earliest possible stage.
- b. 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 Chief Executive Officer/Principal as soon as possible.
- c. If you are unsure about whether a particular act constitutes bribery or corruption, raise it with the Chief Executive Officer/Principal for clarification.

#### **10. Protection**

- a. 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.
- b. 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.
- c. 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 Department immediately. If the matter is not remedied, and you are an employee, you should raise it formally using our Grievance Procedure.

#### **11. Training and communication**

- a. Training on this policy forms part of the induction process for all new employees. All existing employees will receive regular, relevant training on how to implement and adhere to this policy.

- b. Our zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors and business partners at the outset of our business relationship with them as appropriate thereafter.

**12. Who is responsible for the policy?**

- a. The Board of Trustees has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under control comply with it.
- b. The Chief Executive Officer has primary and day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation.
- c. Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this policy and are given adequate and regular training on it.

**13. Monitoring and review**

- a. The Chief Executive Officer will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy and effectiveness.
- b. Any improvements identified will be made as soon as possible. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering bribery and corruption.
- c. All workers are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.
- d. Employees 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 Chief Executive Officer.

**Appendix 1**

**Supplier Funded Activity Log/Gift Register**

<p><b>To be completed for all supplier funded activities/entertainment/gifts</b>  <i>(for entertainment/hospitality, this form must always be completed in advance)</i></p>			
<p><b>Recipient</b> (name of person)</p>		<p><b>Proposed event date</b></p>	
		<p><b>Date of Gift</b></p>	
<p><b>Name of supplier</b></p>		<p><b>Annual Spent</b></p>	
<p><b>Product/service supplied</b></p>		<p><b>Academies supplied</b></p>	
<p><b>Other ATT staff attending</b></p>			
<p><b>Location of activity/venue</b></p>			
<p><b>Nature of activity/gift</b></p>			
<p><b>Business opportunity: (e.g. building relationships, reviewing new products/premises, networking)</b></p>			
<p><b>Completed by:</b></p>			
<p><b>Date:</b></p>			
<p><b>Reviewed by:</b></p>			
<p><b>Date:</b></p>			



## Appendix 2

### 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 Chief Executive 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.