The Olympus Academy Trust
Anti-Bribery and Corruption Policy

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Amendment History

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v3.1	18th June 2020	Head of Business Operations	• New Trust document version system implemented. • Tri-annual Review.
v3.1	6th October 2020		• Approved by Audit & Risk Committee.
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v4.0	15th October 2020		• Policy issued.
V5.0	17th September 2023	Head of Business Operations	• Directors changed to Trustees, Executive Headteacher change to CEO, reference to policies updated

1. Purpose of the Policy

1.1 This document sets out The Olympus Academy Trust's (the Trust) policy and advice to employees, trustees and governors in dealing with bribery or suspected bribery. This policy details the arrangements made in the Trust for such concerns to be raised by employees, trustees, governors or members of the public.

1.2 The Bribery Act 2010 introduces a new, clearer regime for tackling bribery that will apply to all businesses based or operating in the UK. It covers all sorts of bribery, the offering and receiving of a bribe, directly or indirectly, whether or not it involves a public official, in the UK or abroad.

1.3 Bribery is a criminal offence for both individuals and commercial organisations and can be punished with imprisonment of up to 10 years or unlimited fines. If any employee was accused of bribery, the Trust's reputation might be damaged considerably, and subsequent enforcement action would be time-consuming and hinder the Trust from focusing on its core business and service delivery.

1.4 It is the policy of the Trust to prohibit any form of bribery covered by the Bribery Act 2010. This policy applies to the Trust and all its employees, independent of their grade and position, trustees and governors and shall be respected at all times.

1.5 This document sets out the Trust's policy for dealing with detected or suspected bribery and corruption.

2. Consultation Process

2.1 This policy was developed in consultation with Trustees and senior staff.

3. Relationship to other Policies

3.1 Governor Gifts and Hospitality Policy Expenses Policy
Openness Policy
Code of Conduct for Board and Committee Members
Whistleblowing Policy
Scheme of Delegation
Financial Regulations Manual
Fraud Policy
Equal Opportunities Policy
Purchasing Policy

4. Roles and Responsibilities

4.1 This policy relates to all forms of bribery and is intended to provide direction and help to employees, trustees or governors who may identify suspected bribery. The overall aims of this policy are to:

- Improve the knowledge and understanding of everyone in the Trust, irrespective of their position, about the risk of bribery within the organisation and its unacceptability.

- Assist in promoting a climate of openness and a culture and environment where staff feel able to raise concerns sensibly and responsibly.

- Set out the Trust's responsibilities in terms of the deterrence, prevention, detection and investigation of bribery and corruption to ensure that appropriate sanctions are considered following an investigation, which may include any or all of the following:

    - criminal prosecution
    - civil proceedings
    - internal / external disciplinary action (including professional/ regulatory bodies).

4.2 This policy applies to all employees, trustees and governors of the Trust as well as consultants, vendors, contractors and/or any other parties who have a business relationship with the Trust. It will be brought to the attention of all employees and form part of the induction process for new staff. It is incumbent on all of the above to report any concerns they may have concerning bribery.

4.3 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust's Equality and Diversity Policy. Special attention should be paid to ensuring the policy is understood where there may be barriers to understanding caused by the individual's circumstances, where the individual's literacy or use of English is weak, or where the individual has little experience of working life.

5. Public Services Values

5.1 The three fundamental public service values are:

- Accountability: Everything done by those who work or are involved in governance in the Trust must be able to stand the tests of parliamentary scrutiny, public judgements on property and professional codes of conduct.

- Probity: Absolute honesty and integrity should be exercised in dealing with assets, employees, suppliers and customers.

- Openness: The Trust's actions should be sufficiently public and transparent to promote confidence between the Trust, our employees and the public.

5.2 In addition, all those who work for, are involved in governance or are in contract with the Trust should exercise the following when undertaking their duties:

- Selflessness: decisions should be made solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

- Integrity: individuals should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

- Objectivity: each person should, in carrying out public business, (including making public appointments, awarding contracts, or recommending individuals for rewards and benefits), make choices on merit.

- Accountability: each person is accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

- Openness: each person should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest demands.

- Honesty: individuals have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

- Leadership: leaders should promote and support these principles by leadership and example.

6. **Policy**

6.1 All employees, trustees and governors have a personal responsibility to protect the Trust from bribery or corruption. The Trust is absolutely committed to maintaining an honest, open and well-intentioned atmosphere within the organisation, so as to best fulfil its objectives. It is, therefore, also committed to the elimination of bribery within the Trust, to the rigorous investigation of any such allegations and to taking appropriate action against wrong doers, including possible criminal prosecution.

6.2 Off-the-book accounts and false or deceptive booking entries are strictly prohibited. All gifts, payments or any other contribution made under the Anti-Bribery and Corruption Policy and these guidelines, whether in cash or in kind, shall be documented, regularly reviewed, and properly accounted for on the books of the Trust.

6.3 The Trust procures goods and services ethically and transparently with the quality, price and value for money determining the successful supplier / contractor, not by receiving (or offering) improper benefits. The Trust will not engage in any form of bribery, neither in the UK nor abroad. The Trust and all employees, independent of their grade and position, shall at all times comply with the Bribery Act 2010 and with this policy.

6.3 The Trust's employees, trustees and governors will not request or receive a bribe from anybody, nor imply that such an act might be considered. This means that individuals will not agree to receive or accept a financial or other advantage from a former, current or future client, business partner, contractor or supplier or any other person as an incentive or reward to perform improperly your function or activities.

6.4 Bribing anybody is absolutely prohibited. The Trust's employees, trustees and governors will not pay a bribe to anybody. This means that individuals will not offer, promise, reward in any way or give a financial or other advantage to any person in order to induce that person to perform his / her function or activities improperly. It does not matter whether the other person is a UK or foreign public official, political candidate, party official, private individual, private or public sector employee or any other person (including creating the appearance of an effort to improperly influence another person).

6.5 The Trust may, in certain circumstances, be held responsible for acts of bribery committed by intermediaries acting on its behalf such as subsidiaries, clients, business partners, contractors, suppliers, agents, advisors, consultants or other third parties. The use of intermediaries for the purpose of committing acts of bribery is prohibited.

6.6 All intermediaries shall be selected with care, and all agreements with intermediaries shall be concluded under terms that are in line with this policy. The Trust will contractually require its agents and other intermediaries to comply with the Anti-Bribery and Corruption Policy and to keep proper books and records available for inspection by the Trust, auditors or investigating authorities. Agreements with agents and other intermediaries shall at all times provide for the necessary contractual mechanisms to enforce compliance with the anti-bribery regime. The Trust will monitor performance and, in case of non-compliance, require the correction of deficiencies, apply sanctions, or eventually terminate the agreement even if this may result in a loss of business.

6.7 All employees should be aware that bribery will normally, dependent upon the circumstances of the case, be regarded as gross misconduct thus warranting summary dismissal without previous warnings. However, no such action will be taken before a proper investigation and disciplinary hearing have taken place. Such actions may be in addition to the possibility of criminal prosecution.

7. Facilitation Payments

7.1 Facilitation payments are small payments made to secure or expedite the performance of a routine action by a government official or agency (e.g. issuing licenses or permits, installation of a telephone line, processing goods through customs, etc.) to which the payer (or the company) has legal or other entitlement.

7.2 Facilitation payments are prohibited under the Bribery Act like any other form of bribe. They shall not be given by the Trust's employees, trustees and governors in the UK or any other country.

8. Gifts and Hospitality

8.1 Courtesy gifts and hospitality must not be given or received in return for services provided or to obtain or retain business but shall be handled openly and unconditionally as a gesture of esteem and goodwill only. Gifts and hospitality shall always be of symbolic value, appropriate and proportionate in the circumstances, and consistent with local customs and practices. They shall not be made in cash.

9. Political and Charitable Contributions

9.1 The Trust does not make any contributions to politicians, political parties or election campaigns.

9.2 As a responsible member of society, the Trust may make charitable donations. However, these payments shall not be provided to any organisation upon suggestion of any person of the public or private sector in order to induce that person to perform improperly the function or activities which he or she is expected to perform in good faith, impartially or in a position of trust or to reward that person for the improper performance of such function or activities.

9.3 Any donations and contributions must be ethical and transparent. The recipient's identity and planned use of the donation must be clear, and the reason and purpose for the donation must be justifiable and documented. All charitable donations will be publicly disclosed.

9.4 Donations to individuals and for-profit organisations and donations paid to private accounts are incompatible with the Trust's ethical standards and are prohibited.

10. Sponsoring

10.1 Sponsoring means any contribution in money or in kind by the Trust towards an event organised by a third party in return for the opportunity raise the Trust's profile. All sponsoring contributions must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the consideration offered by the event host. They may not be made towards events organised by individuals or organisations that have goals incompatible with the Trust's ethical standards or that would damage the Trust's reputation. All sponsorship will be publicly disclosed.

11. Definitions

11.1 Definitions for bribery and corruption vary. Some common definitions are:

- **Bribery** - "Inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages".

- **Corruption** - This can be broadly defined as the offering or acceptance of inducements, gifts, favours, payment or benefit-in-kind which may influence the action of any person. Corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another. It is a common law offence of corruption to bribe the holder of a public office and it is similarly an offence for the office holder to accept a bribe.

11.2 The Trust has procedures in place that reduce the likelihood of bribery occurring. These include Financial Regulations, documented procedures, a system of internal control (including Internal and External Audit) and a system of risk assessment. In addition, the Trust seeks to ensure that a comprehensive anti-bribery culture exists throughout the Trust.

12. Raising Concerns

12.1 The Trust wishes to encourage anyone having reasonable suspicions of bribery to report them. The Trust's policy, which will be rigorously enforced, is that no individual will suffer any detrimental treatment as a result of reporting reasonably held suspicions. The Public Interest Disclosure Act 1998 came into force in July 1999 and gives statutory protection, within defined parameters, to staff that make disclosures about a range of subjects, including bribery and corruption, which they believe to be happening within the organisation employing them. Within this context, 'reasonably held' means suspicions other than those which are raised maliciously and are subsequently found to be groundless.

12.2 Any unfounded or malicious allegations will be subject to a full investigation and appropriate disciplinary action.

12.3 The Trust expects anyone having reasonable suspicions of bribery to report them to the Headteacher of the school or to the Executive Headteacher if elsewhere in the Trust who will then ensure that procedures are followed. Concerns can also be raised through the Trust's Whistleblowing Policy.

13. Roles and Responsibilities of the Board of Trustees

13.1 The Board of Trustees has a duty to ensure that it provides a secure environment in which to work, and one where people are confident to raise concerns without worrying that it will reflect badly on them. This extends to ensuring that staff feel protected when carrying out their official duties and are not placed in a vulnerable position. If staff have concerns about any procedures or processes that they are asked to be involved in, the Trust has a duty to ensure that those concerns are listened to and addressed.

13.2 The Board of Trustees will be liable to be called to account for failing to prevent bribery. The Trust therefore has a duty to ensure employees receive adequate training and support in order to carry out their responsibilities.

14. Employees

14.1 For the purposes of this policy, 'Employees' include the Trust's staff, Board of Trustees (including Co-Opted Trustees) and governors. It is expected that:

- Trustees, governors and staff at all levels will lead by example in acting with the utmost integrity and ensuring adherence to all relevant regulations, policies and procedures.

- Employees must act in accordance with the Trust's Gifts and Hospitality and Declaration of Interest Policies which include guidance on the receipt of gifts or hospitality.

- Employees who are involved in receiving offers of sponsorship, funding or gifts from outside agencies also should comply with their own professional codes of practice. Professional staff must also make themselves aware of their own professional body codes of conduct.

15. **Managers**

15.1 Line managers at all levels have a responsibility to ensure that an adequate system of internal control exists within their areas of responsibility and that controls operate effectively. The responsibility for the prevention and detection of bribery therefore primarily rests with managers but requires the co-operation of all employees.

15.2 As part of that responsibility, line managers need to:

- inform staff of the Trust's code of gifts and hospitality, declaration of interest and counter fraud and anti-bribery policies as part of their induction process, paying particular attention to the need for accurate completion of personal records and forms.

- Ensure that all employees for whom they are accountable are made aware of the requirements of the policy.

- Assess the types of risk involved in the operations for which they are responsible and ensure that adequate control measures are put in place to minimise the risks. This must include clear roles and responsibilities, supervisory checks, staff rotation (particularly in key posts), separation of duties wherever possible so that control of a key function is not invested in one individual, and regular reviews, reconciliations and test checks to ensure that control measures continue to operate effectively.

- Be aware of the Trust's Anti-Bribery and Corruption Policy.

- Identify sensitive / at-risk posts.

- Ensure that controls are being complied with.

- Contribute to their assessment of the risks and controls within their business area, which feeds into the Trust's statements of accountability and internal control.

15.3 All instances of actual or suspected bribery, which come to the attention of a manager, must be reported immediately. It is appreciated that some employees will initially raise concerns with their manager, however, in such cases managers must not attempt to investigate the allegation themselves, and they have the clear responsibility to refer the concerns to the Headteacher or the Chief Executive Officer (CEO) as soon as possible.

16. **Senior Compliance Officer**

16.1 The Trust has appointed the Headteacher of each school to be responsible for implementing, in their school, the Anti-Bribery and Corruption Policy and these guidelines, providing guidance and training, monitoring compliance and sanctioning violation of the policy. The Audit and Risk Committee will review tri-annually the suitability, adequacy and effectiveness of the Trust's Anti-Bribery and Corruption arrangements and implement improvements as and when appropriate reporting any changes or results of the reviews to the Board of Trustees.

17. **Chief Executive Officer (CEO)**

17.1 The CEO ensures compliance with anti-fraud and corruption measures and activity across the Trust and will decide whether there is sufficient cause to conduct an investigation, and whether the Police and External Audit need to be informed.

17.2 The CEO and Headteacher will consult and take advice if a member of staff is to be interviewed or disciplined. The CEO will not conduct a disciplinary investigation but may instruct a senior member of staff or an independent organisation to conduct an investigation.

17.3 The CEO will, depending on the outcome of investigations and / or the potential significance of suspicions that have been raised, inform the Chair of Trustees of the Trust and the Chair of the Audit and Risk Committee of cases, as may be deemed appropriate or necessary.

18. **Internal and External Audit**

18.1 Any incident or suspicion that comes to Internal or External Audit's attention will be passed immediately to the CEO.

19. **Personnel**

19.1 The Head of Human Resources will liaise closely with the Headtecher and CEO from the outset, where an employee is suspected of being involved in bribery or corruption and is responsible for ensuring the appropriate use of the Trust's Disciplinary Procedure. The Head of Human Resources, who may seek professional advice, shall advise those involved in the investigation in matters of employment law and in other procedural matters, such as disciplinary and complaints procedures. Close liaison between the Police and the Trust will be essential to ensure that any parallel sanctions (i.e. criminal and disciplinary) are applied effectively and in a coordinated manner.

19.2 The HR team will take steps at the recruitment stage to establish, as far as possible, the previous record of potential employees as well as the veracity of required qualifications and memberships of professional bodies, in terms of their propriety and integrity. In this regard, temporary and fixed term contract employees are treated in the same manner as permanent employees.

19.3 The HR team will ensure that applicants are vetted before they are employed to ascertain, as far as is reasonable, that they are the type of person who is likely to comply with the Trust's Anti-Bribery and Corruption Policy.

19.4 New joiners will be bound by a contractual obligation in the employment contracts not to engage in bribery as defined in the Anti-Bribery and Corruption Policy.

20. Information Management and Technology

20.1 The IT Director will contact the Headteacher and CEO immediately in all cases where there is suspicion that IT is being used for bribery purposes. This includes inappropriate use of internet / intranet, e-mail, telephones and PDAs. The Head of Human Resources will be informed if there is a suspicion that an employee is involved.

21. Procurement

21.1 Procurement practices will be conducted in a fair and transparent manner and not deal with contractors or suppliers known or reasonably suspected to be paying bribes. Unless prospective contractors and suppliers have effective anti-bribery programmes in place, the Trust will contractually require them to comply with the Anti-Bribery and Corruption Policy. Agreements with contractors and suppliers shall, at all times, provide for the necessary contractual mechanisms to enforce compliance with the anti-bribery arrangements. The Trust will monitor performance and, in case of non-compliance, require the correction of deficiencies, apply sanctions, or eventually terminate the agreement.

22. External Communications

22.1 Individuals (be they employees, trustees, governors, agency staff, locums, contractors or suppliers) must not communicate with any member of the press, media or another third party about a suspected act of bribery as this may seriously damage the investigation and any subsequent actions to be taken. Anyone who wishes to raise such issues should discuss the matter with either the CEO or the Headteacher.

23. Sanctions and Redress

23.1 After any investigation, sanctions may be applied where fraud has been found to have been committed. The Trust will pursue criminal and civil action in a robust, consistent and proportionate manner. The Trust will pursue a range of options, as appropriate to each case, including:

- Recovery of pension contributions from employees who are members of the Pension Fund.
- Recovery from assets owned by an employee, trustee, governor or third party found guilty of committing fraud.
- Filing for Bankruptcy where an individual has a poor history of paying.

- Recovery from any current salaries or by way of ‘attachment of earnings’.

24. Training

24.1 The Trust will provide anti-bribery training to all employees, trustees and governors on a regular basis to make them aware of our Anti-Bribery and Corruption Policy and guidelines, in particular of possible types of bribery, the risks of engaging in bribery activity, and how employees may report suspicion of bribery.

25. Monitoring and Review

25.1 The Trust will review this policy in a three year cycle and assess its implementation and effectiveness.

25.2 Board and/or Committee members will oversee the internal audit arrangements; providing the appropriate level of support and challenge to ensure that the agreed practice and procedure has been implemented through:

- Scrutiny of all reporting information requested and received.
- Identification of any associated risks, trends, underlying or contributory factors.
- Assessing any opportunities for change to enhance existing practice and achievement of the Trust’s vision.
- Making decisions in respect of any proactive and/or mitigating action to be taken.
- Evaluating the impact and effectiveness of policy and practice in line with the agreed policy review schedule or as necessary.