



08 Staff, volunteers and students procedures

08.21 Anti-bribery

Introduction

The pre-school is committed to preventing bribery and maintaining a culture within the charity in which bribery is never acceptable.

Bribery is a criminal offence and therefore the pre-school does not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor does, or will, the pre-school accept bribes or improper inducements.

To use a third party as an intermediary as a means to bribe others is a criminal offence, the pre-school does not, and will not, engage indirectly in or otherwise encourage bribery.

The pre-school is committed to the prevention, deterrence and detection of bribery. The pre-school has a zero-tolerance towards bribery whether internal or external to the pre-school. The pre-school aims to maintain anti-bribery compliance integral to its business practice rather than as a one-off exercise.

What is bribery

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage. Any such advantage is referred to as an "unfair business advantage" in this policy. It is unacceptable to:

- give, promise to give, or offer a payment, gift or hospitality with the expectation that an unfair business advantage will be received, or to reward an unfair business advantage already given
- give, promise to give, or offer a payment, gift or hospitality to anyone to "facilitate" or expedite a routine procedure
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that an unfair business advantage will be provided by the pre-school in return
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy
- engage in activity in breach of this policy.

Key offences

There are four key offences under the Bribery Act (2010):

1. Bribery of another person (section 1)
2. Accepting a bribe (section 2)
3. Bribing a foreign official (section 6)
4. Failing to prevent bribery (section 7)

Penalties

An individual guilty of an offence under sections 1, 2 or 6 of the Bribery Act is liable on conviction to imprisonment or to a fine, or to both.

Organisations are liable for these fines and if guilty of an offence under section 7 of the Bribery Act are liable to an unlimited fine.

Purpose of this policy

This policy provides a coherent and consistent framework to enable the pre-school's trustees, employees and volunteers to understand and implement arrangements enabling compliance and to enable trustees, employees and volunteers to identify and effectively report a potential breach.

All trustees, employees and volunteers, including temporary agency staff and contractors are required to:

- act honestly and with integrity at all times and safeguard the pre-school's resources for which they are responsible
- comply with all of the laws and regulations in which the pre-school operates, in respect of the lawful and responsible conduct of activities. Individuals are expected to comply with the spirit of the law/regulations as well as what is explicitly stated in the law/regulations.

Application of the policy

This policy applies to all of the pre-school's activities. For partners, contractors, consultants, community groups and suppliers, the pre-school will seek to promote the adoption of policies consistent with the principles set out in this policy.

Within the pre-school, the responsibility to control the risk of bribery occurring resides at all levels of and functions of the pre-school.

This policy covers all staff, including all levels and grades, those permanently employed, bank staff, temporary agency staff, contractors, trustees and volunteers.

Commitment to action

The pre-school commits to:

- setting out a clear anti-bribery policy and keeping it up-to-date
- making all trustees, employees, other staff and volunteers aware of their responsibilities to adhere strictly to this policy at all times
- training/guiding all trustees, employees, other staff and volunteers so that they can recognise and avoid the use of bribery by themselves and others
- encouraging its trustees, employees, other staff and volunteers to be vigilant and to report any suspicions of bribery, providing them with suitable means of communication and ensuring sensitive information is treated appropriately

- rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution
- taking firm and vigorous action against any individual(s) involved in bribery
- provide information to all trustees, employees, other staff and volunteers to report breaches and suspected breaches of this policy
- include an appropriate clause in employment contracts to prevent bribery.

Facilitation payments

Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

Gifts and hospitality

This policy does not change the requirements of the pre-school's 08.06 Code of Conduct. This policy makes it clear that:

- sample tokens of modest value (for example, resources from potential suppliers) whether given personally, or received in the post, may be retained unless they could be regarded as an inducement or reward
- you should refuse the offer or invitation (or return the gift), if you are unclear as to whether or not it may be accepted or retained then seek guidance from either the manager or the trustees.

Public contracts and failure to prevent bribery

Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence or "the offence of bribery".

Organisations that are convicted of "failing to prevent bribery" are not automatically barred from participating in tenders for public contracts.

Responsibilities of those working or providing services on behalf of the pre-school

All trustees, employees, other staff and volunteers are required to avoid activity that breaches this policy. This also includes external companies and individuals. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the pre-school or under its control.

Trustees, employees and volunteers must:

- ensure that they read, understand and comply with this policy
- raise concerns as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future

Where a trustee acts as a representative of the pre-school they must not use or attempt to use their position as a trustee improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.

As well as the possibility of civil action and criminal prosecution, employed staff that breach this policy, will face disciplinary action, which could result in summary dismissal for gross misconduct. Dismissal can still be an outcome with or without civil action or criminal prosecution.

Contractual arrangements

The pre-school will not conduct business with service providers, agents or representatives that do not support the pre-school's anti-bribery objectives. The pre-school reserves the right to terminate its contractual arrangements with any third parties acting for, or on behalf of, the pre-school with immediate effect where there is evidence that they have committed acts of bribery.

Risk assessment

Local management in all business areas of the pre-school must assess the vulnerability of each of their areas to these risks on an on-going basis.

Record keeping

The pre-school will keep financial records and have appropriate internal controls in place which will evidence the business reason for making any payments to third parties:

- all expense claims incurred relating to third parties must be submitted in accordance with the expenses procedure and specifically record, the reason for the expenditure
- all accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as clients, suppliers and business contacts, must be kept in line with the pre-school's financial procedures
- no accounts must be kept "off-book" to facilitate or conceal improper payments.

Raising a concern

The pre-school is committed to ensuring a safe, reliable and confidential way of reporting any suspicious activity. Little Doves CP wants trustees, employees, other staff and volunteers to know how they can raise concerns. As previously stated, everyone has a responsibility to help detect, prevent and report instances of bribery immediately.

If an individual has a concern regarding a suspected instance of bribery or corruption, in the first instance advice should be sought from the trustees and if appropriate, completion of the form to report suspected bribery practices, as outlined in this policy. For further guidance on making a disclosure, please refer to the pre-school's 08.13 Whistleblowing procedure.

The pre-school will aim to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken. The pre-school is committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery or because of reporting a concern in good faith.

Breaches

A breach of the pre-school's anti-bribery policy by an employee will be treated as grounds for disciplinary action, which may result in a finding of gross misconduct and immediate dismissal. Trustees, other staff and volunteers will potentially be removed from their role in line with relevant procedures.

The pre-school reserves the right to terminate its contractual arrangements with any third parties acting for, or on behalf of, the pre-school with immediate effect where there is evidence that they have committed acts of bribery.

Employees and other individuals acting for the pre-school should note that bribery is a criminal offence that may result in up to 10 years' imprisonment and/or an unlimited fine for the individual and an unlimited fine for the pre-school.

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Form to report suspected bribery practices

This form is intended for use by any trustees/employee, volunteer of the pre-school, or if you work for, or on behalf of, the pre-school, in any other capacity including as a consultant, contractor or agent or as a temporary member of staff. This form should be used to report any incident of suspected bribery that has arisen during the course of performing services for the pre-school.

This form should be used in conjunction with the pre-school's anti-bribery policy. All suspected incidents should be reported to the pre-school using this form and an anti-bribery investigation will be invoked.

You should complete and send this form to the trustees marked 'confidential'.

You should use this form if you suspect, or have witnessed or experienced:

- practices of bribery, or attempted bribery, being undertaken by other employees or workers
- practices of bribery, or attempted bribery being made by third parties, either directly to you or to other employees or workers; a request to make a facilitation payment or other form of bribery to a foreign official, either to accelerate a routine process or to carry out any other activity in an improper way
- other employees or workers making a facilitation payment to a foreign official, either to accelerate a routine process or to carry out any other activity in an improper way

Any report will be treated promptly and in the strictest confidence by the pre-school. You will be protected by the pre-school during and following investigations of such allegations, including where such allegations are not substantiated, provided that such concerns are raised in good faith.

You have a duty to the pre-school to report any incidents of suspected bribery, even where a more senior manager has asked you not to do so. The pre-school will support any individuals who make such a report, provided that it is made in good faith.

Formal report

Name: _____

Job title/role: _____

Date: _____

Does your report relate to your manager? Yes/No

Summary of complaint:

Please set out the details of your complaint (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets if required.

Individuals involved in the alleged incident/complaint:

Please provide the names and contact details of any people involved in your complaint, including witnesses.

Outcome requested:

Please set out how you would like to see your complaint dealt with, and why and how you believe that this will resolve the issue.

Declaration:

I confirm that the above statements are true to the best of my knowledge, information and belief.

Form completed by:

Signature:

For completion by the pre-school:

Date form received by the pre-school:

Name and Signature:

Action taken:

Detail the action taken including dates.