

The Blue Tangerine Federation

SPECIAL EDUCATIONAL NEEDS SCHOOLS

POLICIES, GUIDANCE AND PROCEDURES



Anti-Bribery Policy

Date established: September 2015

Last Reviewed: August 2024

Staff Responsibility: Executive Head

Date for review: August 2026

Changes since last version:

Section	Details of change
6. Related Policies	Moved to section 10
6. Gifts & Hospitality	New Section
7. Donations	New Section
8. Process	Deleted not required now 'Staff Responsibilities'

1. Introduction

The Bribery Act 2010 became law on 1 July 2011. It replaces what are collectively known as the Prevention of Corruption Acts 1889 to 1916. It is designed to address bribery and corruption in the public and private sectors and will mean that any incorporated organisation, potentially including schools could be liable to severe penalties if they fail to implement adequate procedures to prevent bribes being paid or received on their behalf.

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.

The Federations policy is to conduct all of its business in an honest and ethical manner. The Bribery Act applies to all staff in the organisation. An organisation may be guilty of bribery even if only the individual offender knew of the bribery.

The Bribery Act introduces serious penalties such as unlimited fines for organisations and up to a maximum jail term of 10 years for the individuals involved.

Organisations will have a defence against prosecution if they can demonstrate that they had “adequate procedures in place to prevent bribery”.

Bribery is a serious criminal offence and the Federation does not and will not, pay bribes or offer improper inducement to anyone for any purpose. Equally the Blue Tangerine Federation does not and will not accept any bribes or improper inducements.

2. Definition of Bribery

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

3. Objective of the Anti-Bribery Policy

The objective of the policy is to provide a coherent and consistent approach to ensuring compliance with the Bribery Act. It will enable all employees and any person who performs services for and on behalf of the Federation (this could include contractors and subcontractors) to understand their responsibilities and allow them to take the necessary action, for example reporting any potential breaches of the policy.

The Federation is committed to countering bribery and corruption in all forms and will not tolerate it in any of its activities.

The Federation requires that all staff and all working or performing any service on or on behalf of the Federation neither accept nor give bribes. Staff must:

- Always act honestly with integrity to safeguard the schools' resources within the Federation for which they are responsible
- Comply with the law (both in spirit and in the letter)
- Abide by this policy

4. Scope of the Policy

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

5. Ownership of the Policy

The policy applies equally to all staff, regardless of grade whether permanently employed, temporary agency staff, contractors, agents, all elected and non-elected Governors, volunteers and consultants.

The Executive Head and the Board of Governors will own the policy, thereby ensuring that there is commitment at the highest level.

6. Gifts and Hospitality

This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties. Any gifts given by companies or similar (i.e. not end of term gifts) are recorded if over the value of £10.

The giving or receipt of gifts or hospitality is not prohibited, if the following requirements are met:

- it is not made with the intention of influencing 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 complies with local law;
- it is given in the school's/federations name, not in a member of staff's name;
- it does not include cash;
- it is appropriate in the circumstances. For example, in the UK it is customary for small gifts to be given at Christmas time and the end of the summer term;
- taking into account the reason for the gift, it is of an appropriate type and value and given at an appropriate time;
- it is given openly, not secretly; and
- gifts should not be offered to, or accepted from, government officials or representatives without the prior approval of the Head of Operations.

The Federation appreciates that the practice of giving business gifts varies between countries and regions and what may be normal and acceptable in one region may not be in another. The test to be applied is whether in all the circumstances the gift or hospitality is reasonable and justifiable. The intention behind the gift should always be considered.

It is unacceptable to:

- give, promise to give, or offer payment, gifts or hospitality with the expectation or hope that a favourable advantage will be received, or to reward a favourable advantage already given;
- give, promise to give, or offer payment, gifts or hospitality to a government official, agent or representative to “facilitate” or expedite a routine procedure;
- accept payment from a third party that is offered with the expectation that it will obtain a favourable advantage for them, whether known or suspected;
- accept a gift or hospitality from a third party if it is offered or provided with an expectation that a favourable advantage will be provided by the Federation in return, whether known or suspected;
- 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.

7. Donations

The schools within the federation only make charitable donations that are legal and ethical under local laws and practices. No donation must be offered or made in the federation /schools name or on behalf of the federation/school without the prior approval of the Head of Operations.

8. Staff Responsibilities and all those working or performing any service on or behalf of the Federation/School:

Prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Schools within the Federation or under its control.

All staff, including third parties working or performing any service on or behalf of one the schools are to avoid activity that breaches this policy, and must:

- Ensure that they read, understand and comply with the policy
- Raise concerns as soon as possible if they suspect that this policy has been breached.

Any member of staff employed by the federation who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. The Federation reserves the right to terminate contractual relationships with other workers and / or suppliers if they breach this policy

Record-keeping

The schools within the federation keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties. Staff must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with the HCC guidelines 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, should be prepared and maintained with strict accuracy and completeness. No accounts must be kept "off-book" to facilitate or conceal improper payments.

How to Raise a Concern

Members of staff are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. Concerns should be reported by following the procedure set out in our Whistleblowing Policy.

Protection

Members of staff who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. The federation aims 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. The Federation is 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 a member of staff believes that he/she has suffered any such treatment, he/she should use the Federation's Grievance Procedure.

Action by the Federation

The Federation will fully investigate any instances of alleged or suspected bribery. All sensitive material collected in relation to the investigation will be managed in line with the Data Protection Act 2018 and the Federations GDPR Policy. Staff suspected of bribery may be suspended from their duties while the investigation is being carried out. The Federation will invoke its disciplinary procedures where any member of staff is suspected of bribery, and proven allegations may result in a finding of gross misconduct and immediate dismissal. The Federation may terminate the contracts of any associated persons, including consultants or other workers who act for, or on behalf of, the federation who are found to have breached this policy. The Federation may also report any matter to the relevant authorities and the police.

9. Reporting to the Police; Sanctions and Redress

Staff who breach this policy face the possibility of civil and criminal prosecution. They also

face disciplinary action, which could result in dismissal for gross misconduct.

The Executive Head and Governors, in consultation with the Section 151 Officer, and, if an employee is involved, the Head of Human Resources or Governors (where they are the employer), will decide whether any matter is referred to the police for further investigation and follow the reporting processes set out in the Federation's Employee Code of Conduct.

If you require guidance on the action to take in a particular circumstance, or any further information or advice concerning this policy, please email sias@hertfordshire.gov.uk.

10. Related Policies

The anti-bribery policy must be considered alongside the following policies which collectively set out the Federation's approach to reducing bribery risks:

- Code of Conduct for staff
- Disciplinary

11. Monitoring and Review of Implementation of the Anti-Bribery Policy

In the first instance a team comprising of representatives from SLT will meet to review the implementation of the policy and then will review compliance with the policy.