



THE CONSORTIUM
ACADEMY TRUST

Shaping Positive Futures

Gifts, Hospitality and Anti - Bribery Policy

The Consortium Academy Trust (TCAT)
An Exempt Charity Limited by Guarantee
Company Number 07665828

Status:	Live
Policy Owner (position)	Director of Finance
Statutory / Recommended	Recommended
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Advisory Committee	Finance, People and Resources Committee
Linked Documents and Policies	Whistle Blowing Policy Academy Trust Handbook (2022) The Bribery Act (2010) Staff Code of Conduct Disciplinary Policy Staff Drugs and Alcohol Policy

**NB – This document can only be considered valid when viewed on The Consortium Academy Trust website. If the copy is printed or downloaded and saved elsewhere the Policy date should be cross referenced to ensure the current document is referenced. The linked policies can be viewed at www.consortiumtrust.co.uk*

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Statement of Intent

The Consortium Academy Trust (TCAT) is committed to the highest ethical standards and to act with integrity in all its activities. This commitment is underpinned by the Nolan Principles. This policy details the Trust's position on preventing and prohibiting bribery.

Bribery by, or of, employees, agents or consultants, or any person acting on behalf of the Trust will not be tolerated. The Trust is committed to implementing effective measures to prevent, monitor and eliminate bribery.

Bribery and corruption by individuals are punishable by up to 10 years' imprisonment under The Bribery Act 2010 and the Trust could face an unlimited fine and serious damage to its reputation. Therefore, the Trust takes its legal responsibilities very seriously.

The purpose of this policy is to:

- establish the responsibilities of the Trust and its employees in observing and upholding the Trust's position on bribery and corruption
- provide information and guidance to all employees on how to recognise and deal with bribery and corruption concerns
- ensure the Trust achieves regularity, propriety and value for money in its use of public funds

This policy covers all individuals working for the Trust at all levels (whether permanent, fixed-term, temporary or casual), and includes teachers, support staff, Central Service Team, Trustees, governors, volunteers, agents and any other person associated with the Trust (known throughout the policy as employees).

1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- The Bribery Act 2010
- ESFA (2023) 'Academy Trust Handbook 2023'

This policy operates in conjunction with the following school policies and documents:

- Gifts and Hospitality Register
- Whistleblowing Policy

2. Roles and responsibilities

The Headteacher / CEO will be responsible for:

- In collaboration with the Finance Business Partner (FBP), approving the offering, giving or accepting of gifts and hospitality in the necessary circumstances, including where they are being offered to staff from pupils and/or parents.

The FBP will be responsible for:

- In collaboration with the Headteacher, approving the offering, giving or accepting of gifts and hospitality in the necessary circumstances, including where they are being offered to or accepted from government officials and representatives.
- Approving charitable donations offered or made in the school or Trust's name.

All staff will be responsible for:

- Following the procedures set out in this policy.
- Considering whether gifts and hospitality offered, given or received are appropriate to the circumstances, and reflecting on the intention behind them.
- Seeking approval from the Headteacher and/or FBP, as appropriate, to offer, give or accept gifts or hospitality in the necessary circumstances.
- Registering and documenting any relevant gift or hospitality received in the Gift and Hospitality Register, including the date it was received, who it was sent by and the reason it was accepted or rejected.
- Reporting instances of known or suspected bribery to the Headteacher / CEO at the earliest opportunity.

3. The Bribery Act 2010

The Bribery Act 2010 came into force on 1 July 2011. It covers bribery and corruption in business activities in the UK and overseas. Under the Bribery Act 2010, a bribe is a financial or other type of advantage offered with the intention of inducing or rewarding improper performance of a function or activity, or knowledge or belief that accepting such a reward would constitute the improper performance of such a function or activity.

A criminal offence will be committed under the Act if:

- any employee or associated person acting for, or on behalf of the Trust offers, promises, gives, requests, receives or agrees to receive bribes
- any employee or associated person acting for, or on behalf of the Trust offers, promises or gives a bribe to a public official with the intention of influencing that official in the performance of their duties
- the Trust does not have the defence that it has adequate procedures in place to prevent bribery

4. Unacceptable practice

The advice is for staff to consider, in all circumstances, whether the gift or hospitality is reasonable and justified and to reflect on the intention behind it.

In line with this policy, it will be unacceptable for employees to:

- give, promise or offer a payment, gift or hospitality, with the expectation or hope that an advantage for the Trust will be received or to reward an advantage already received
- give, promise or offer a payment, gift or hospitality to a Government Official, agent or representative to facilitate or expedite a routine procedure
- accept payment from a third party if they know or suspect that it is offered with an expectation of a business advantage in return
- 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 activity that may lead to a breach of this policy

5. Acceptable practice

This policy does not prohibit the acceptance of normal and appropriate gifts / hospitality (both given or received) 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 exchange for favours or benefits
- it is given in the name of a school or the Trust, and not an individual
- it complies with local law
- it does not include cash. (Vouchers or gift certificates of a modest amount may be deemed reasonable. Paragraph 7 provides guidance).
- it is appropriate in the circumstances, for example, the giving of small gifts at Christmas time or the end of the academic year
- the type and value of the gift is reasonable given the reason the gift is offered
- it is given openly, not secretly
- Gifts should not be offered to, or accepted from, Government Officials or representatives without prior approval from the Headteacher / CEO in accordance with this Policy

The advice of the Trust is to, in all circumstances, consider whether the gift or hospitality is reasonable and justified and to consider the intention behind the gift. If in doubt, all members

of staff are advised to discuss the gift with their direct Line Manager prior to accepting any gift.

Where any approval for the giving or receiving of a gift or donation is required in this document the authority levels are as follows. Staff working within a school shall seek the approval of the Headteacher. All other staff shall seek the approval of the Director of Operations and Compliance or the CEO.

6. Charitable donations

Accepting donations- If the charitable donation brings the Trust name into disrepute then the donation should not be accepted. If there is any uncertainty whether the donation should be accepted, then the HT should seek the advice of the Director of Operations and Compliance/ CEO.

Sending donations – The choice of charity that a school supports is the decision of the HT, provided that the charity supported is ethical and registered.

7. Gifts and hospitality from parents and learners

It is permissible for staff to accept gifts from parents and learners, for example, before Christmas and at the end of term/year.

Single gifts of a value of £20 or less can be accepted from individual parents and learners without approval (providing that these gifts do not satisfy the conditions outlined in 5). These gifts do not need to be recorded in the Gifts and Hospitality Register.

Staff are permitted to accept gifts from groups of learners or parents up to the value of £50 (providing that these gifts do not satisfy the conditions outlined in 5). These gifts do not need to be recorded in the Gifts and Hospitality Register. Any cumulative gifts with a value of more than £50 can be accepted but should be reported to the HT/ CEO. If the HT receives gifts worth more than £50 then the Director of Finance / CEO should be informed.

Staff will not accept gifts or hospitality from a potential supplier or tenderer or lavish or extravagant gifts or hospitality.

In accordance with the Staff Drugs and Alcohol Policy the Trust does not encourage the practice of parents or others bringing alcohol products onto Trust premises as a gift. However, we acknowledge that this may happen on certain occasions. Such gifts should always be kept in a secure locked area, remain unopened whilst on Trust premises, and be removed from Trust premises at the earliest possible opportunity.

Staff will consider the following before accepting gifts or hospitality:

- whether there is any benefit to the school in them accepting the scale, amount, frequency and source of the offer
- the timing of the offer in relation to forthcoming decisions
- whether accepting the offer could be misinterpreted as a sign of their, or the school's, support or favour

Where staff believe the offer satisfies one of the conditions above, they will seek prior approval from the Headteacher / Director of Finance.

Staff will not accept:

- any gifts that they believe to be excessive or more than simply a token gift of gratitude at an acceptable time of year, such as Christmas or end of term/year.
- If a gift is received without warning, staff will politely decline the gift. Or, if they feel it would be inappropriate to do this, they will refer the matter to the relevant authorising officer as soon as possible to allow them to decide the course of action.
- The authorising officer may decide to return the gift, ask the Chair of Governors/Trust for their view, or donate the gift to a charity/other local cause.
- If staff are unsure whether to accept a gift in any situation, they will speak to their authorising officer for guidance.

These conditions apply regardless of whether the conditions outlined at the start of this section are met, e.g., monetary gifts will not be accepted even if they are below the value of £20.00.

8. Gifts to staff from the school

The purchasing of excessive or alcoholic gifts is regarded as irregular expenditure and is **not** permitted.

The school may, at the Headteacher's discretion, provide staff with token gifts to reward efforts beyond their duties such as significant contributions towards extra-curricular activities or to recognise significant life events. These gifts will be non-monetary, non-alcoholic and cost no more than £20.

9. Reporting suspected bribery

Employees are encouraged to raise concerns about any suspicion of bribery or corruption at the earliest possible opportunity to the Headteacher or CEO. If the suspicion is about a Headteacher or Chair of Governors, then this should be raised with the CEO. If the suspicion is about the CEO, then this should be raised with the Chair of the Trust. Issues that should be reported include:

- any suspected or actual attempts at bribery
- any concerns that an employee may be in receipt of bribes
- any concerns that an employee may be offering or delivering bribes

All concerns should be reported following the procedure set out in the Trust's Whistleblowing Policy.

All reports of bribery will be investigated thoroughly and in a timely manner and in the strictest confidence.

Employees who raise concerns in good faith will be supported by the Trust and the Trust will ensure that they are not subjected to any detrimental treatment as a consequence of their

report. Any instances of detrimental treatment against an employee for reporting a suspicion will be treated as a disciplinary offence.

Following investigation, the school will invoke disciplinary procedures where any employee is found guilty of bribery; this may result in the finding of gross misconduct and immediate dismissal. The school may terminate the contracts of any associated persons, including consultants or other employees acting for, or on behalf of, the school who are found to have breached this policy.

10. Record keeping

The Trust has appropriate internal controls to provide evidence for the business reasons for making payments to third parties. Employees will make the relevant authorising officer aware of all hospitality or gifts received or offered over the value of £20, or £50 if received from multiple recipients and these will be subject to managerial review. Single gifts worth over £20 or multiple gifts worth more than £50 can be accepted but must be reported to the FBM for recording on the Gifts and Hospitality Register.

The Gifts and Hospitality Register is used to record gifts or hospitality that needs to be recorded. This Register will be maintained by the Finance Business Partners. The following information will be recorded:

- the nature of the gift/hospitality
- the date the gift/hospitality was offered
- the name of the person or people who offered the gift or hospitality
- name of staff member the gift/hospitality was offered to
- value of the gift/hospitality
- action taken – for example, whether the offer was refused or accepted

Employees' expenses claims relating to hospitality, gifts or expenses incurred to third parties have to be approved by the Line Manager and submitted to the finance team.

All invoices, accounts and related documents should be prepared and maintained with the highest accuracy and completeness.

In line with its duties under the 'Academy Trust Handbook', and irrespective of whether ESFA approval is required, the Trust will disclose aggregate figures for transactions of any amount, and separate disclosure for individual transactions above £5,000, in its audited accounts for gifts from the Trust.