



ANTI-CORRUPTION AND BRIBERY POLICY

THIS POLICY APPLIES TO MILLFIELD, MILLFIELD PREP SCHOOL, MILLFIELD PRE-PREP SCHOOL (INCLUDING EYFS) AND MILLFIELD ENTERPRISES, TOGETHER REFERRED TO IN THIS POLICY AS "MILLFIELD").

Policy statement

- 1.1 It is our policy to conduct our charitable educational activities 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 dealings and relationships wherever we operate and to implementing and enforcing effective systems to counter bribery.
- 1.2 We will seek to uphold all laws relevant to countering bribery and corruption, and in particular the Bribery Act 2010 (the "**Act**"), including where we engage overseas agents.
- 1.3 The Governors of Millfield (the "**School**") and the directors of Millfield School Enterprises Limited (the "**Company**") have adopted this policy in order to:
 - set out our responsibilities, and of those working for us, in observing and upholding our position on bribery and corruption; and
 - provide information and guidance to those working for us on how to recognise and deal with bribery and corruption issues.
- 1.4 Bribery and corruption are punishable for individuals by up to ten years' imprisonment and if the School is found to have taken part in corruption it could face an unlimited fine and damage to its reputation. We therefore take our legal responsibilities very seriously.

2 Who is covered by the policy?

- 2.1 This policy applies to all individuals working at all levels and grades for the School and/or the Company, including all teaching and non-teaching staff (whether permanent, fixed-term or temporary), peripatetic teachers, seconded staff, casual workers, consultants, sub-contractors, volunteers and agents or any other person associated with us, or any of our subsidiaries or their employees, wherever located (collectively referred to as **workers** in this policy).
- 2.2 In this policy, **third party** means any individual or organisation you come into contact with during the course of your work for the School and/or the Company, and includes parents of pupils and prospective pupils at the School, suppliers, distributors, business contacts, agents, advisers, and government and public bodies, including their advisors, representatives and officials, politicians and political parties.

3 What is bribery?

- 3.1 A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.
- 3.2 Advantages would include:
 - 3.2.1 personal advantages to pupils in relation to admission, the provision of education or assessments;

3.2.2 a financial advantage in relation to any donation, scholarship, bursary or other award that we make or any other fee remission we offer;

3.2.3 any business advantages to a supplier or other third party through contracting with the School; and

3.2.4 any business advantage to the School or Company.

3.3 For the purposes of this policy, our charitable educational activities are referred to as our "business", notwithstanding that we seek only to advance our charitable objects without generating any profit or private benefit for the School or the Governors. A "business advantage" for the School therefore includes any advantage in relation to our business of running our schools.

Examples:

- a parent offers a teacher a lavish gift in order to improve her child's predicted grades for university applications - this is a bribe by the parent in order to secure a personal advantage
- a parent offers to make a substantial donation to the School in order to reverse a decision to expel his child - this is a bribe by the parent in order to secure a personal advantage
- a job applicant offers to pay a sum of money to increase her chance of being offered employment - this is a bribe by the applicant in order to secure a personal advantage
- the School is asked to make an additional payment to a foreign official to ensure that pupils are able to start their voluntary work - this would be a bribe by the School in order to obtain a business advantage for the School
- a potential supplier offers an employee some money or a gift in order to influence a tender process - this is a bribe by the supplier in order to obtain a business advantage for the supplier

4 General principles - what is not acceptable?

4.1 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 an advantage will be received, or to reward an advantage already given;
- give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure (see section 7 below);
- accept a payment from a third party that you know or suspect is offered with the expectation that it will obtain an 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 advantage will be provided by us in return;

- threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy; or
- engage in any activity that might lead to a breach of this policy.

4.2 Sections 5 to 7 below deal with specific circumstances in which bribery may be a risk and explain the procedures and principles you must follow.

5 Gifts and other payments

5.1 You need to be aware of situations in which there is potential for parents to offer inducements to members of staff to act in improper or unprofessional ways, in particular in the context of admissions, suspensions, withdrawals and expulsions.

5.2 No fees over and above notified school fees and specified "extras" may be accepted from parents.

5.3 You are permitted to receive small gifts from pupils or their parents (e.g. at the end of the year or Christmas) or from other third parties if the following conditions are met:

- the gift does not include cash or cheque (cash equivalents such as gift vouchers are acceptable)
- it is appropriate in the circumstances (for example, it is given as a "thank you" for providing extra tuition or support)
- 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
- it is not made in explicit or implicit exchange for favours or benefits or with the apparent intention of securing some advantage from you.

5.4 If you are unsure about whether a particular gift complies with the above requirements, you must report the gift to the Bursar.

5.5 You must also declare any gift you are offered which you suspect has a value in excess of £75. Again, if you are unsure, you must report the gift to the Bursar.

5.6 You are prohibited from giving a gift to a third party (including government officials or representatives, or politicians or political parties) except with the express prior approval of the Bursar. In deciding whether it is appropriate to approve any such gift, the Bursar may take into account the factors set out at 5.3 above (and such other factors as he / she considers appropriate).

5.7 For any overseas' agents engaged by the School, we appreciate that the practice of giving of 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 and whether it complies with local law. The intention behind the gift will always be considered.

6 Hospitality

- 6.1 This policy does not prohibit normal and appropriate hospitality (given and received) to or from third parties. Promotional expenditure which seeks to promote the School, to establish cordial and professional relationships and to maintain them is not unlawful if it is reasonable and proportionate.
- 6.2 If you are proposing to offer hospitality to a third party, or are invited to attend a hospitality event in your capacity as Governor, member of staff or representative of the School or Company which falls outside the scope of normal and appropriate hospitality, this needs prior approval of the Bursar. If in doubt as to whether hospitality needs approval, this should be discussed with the Bursar. The Bursar will assess whether any such proposed hospitality is reasonable, looking at:
- the cost and nature of the hospitality;
 - the purpose of the event;
 - who is to be entertained; and
 - any other factors he / she considers relevant.
- 6.3 The Bursar will then decide whether to approve the event and can make suggestions for modification. A full record will be kept of all decisions.

7 Facilitation payments and kickbacks

- 7.1 We do not make, and will not accept, facilitation payments or "kickbacks" of any kind.
- 7.2 **Facilitation payments** are typically small, unofficial payments made to secure or expedite a routine government action by a government official. They are not commonly paid in the UK, but are more common in other countries. **Kickbacks** are typically payments made in return for a business favour or advantage.
- 7.3 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. If you have any suspicions, concerns or queries regarding a payment, you should raise these with your manager. You need to be particularly vigilant when dealing with school trips abroad to countries where such payments are customary.
- 7.4 All workers must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback will be made or accepted by us.

8 Your responsibilities under this policy

- 8.1 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the School or under the School's control.
- 8.2 You must:
- ensure that you read, understand and comply with this policy;
 - avoid any activity that might lead to, or suggest, a breach of this policy; and

- notify the Bursar as soon as possible if you believe or suspect that a conflict with this policy has occurred, or may occur in the future.

9 Reporting and raising concerns

9.1 It is important that you inform the Bursar as soon as possible if you:

- are offered a bribe by a third party;
- are asked to make a bribe;
- suspect that either of the above may happen in the future;
- believe that another worker may have made or received a bribe; or
- believe that you are a victim of another form of unlawful activity.

9.2 You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with the Bursar.

9.3 Some examples of "red flags" that may indicate bribery or corruption are set out at the end of this policy. You should ensure that you read and understand them.

9.4 The School is under an obligation to report any "serious incidents" to the Charity Commission. A serious incident can include a crime (such as receiving a bribe or making one) committed within or by the School or by one of its officers or volunteers. Each year, the Governors are required to certify to the Commission that no serious incidents have occurred within the School. It is therefore vital that you report suspicious activity to the Bursar to ensure that the School can make the appropriate report to the Commission.

9.5 If anything is required to be reported to the Bursar under this policy but involves the Bursar then the report must be made to the Chair of Governors.

10 Protection

10.1 Workers 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.

10.2 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. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.

11 Risk Assessment

11.1 An assessment of the School's and Company's exposure to external and internal risks of bribery will be made on an annual basis and a full report will be provided to the Governing Body. This will include any report made to the Chair of Governors under Clause 9.5 or a confirmation that no such report has been made.

11.2 To address the risks associated with our activities we have:

- arranged for our Governors and directors/trustees and all workers to receive a briefing on the implications of the Act;
- adopted this policy;
- included this policy in the Staff handbook;
- added a range of anti-bribery provisions to certain material contracts we enter into in carrying out our charitable activities.

11.3 Further measures may be adopted to address risks identified by future risk assessments.

12 Record-keeping

12.1 We must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

12.2 You must declare and keep a written record of all hospitality or gifts in excess of £75 accepted or offered, which may be subject to managerial review.

12.3 You must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with our expenses policy and specifically record the reason for the expenditure.

12.4 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.

13 Training and communication

13.1 Training on this policy shall form part of the induction process for all new staff. All existing staff will receive regular, relevant training on how to implement and adhere to this policy.

13.2 Our zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors, prospective grant recipients, parents of pupils and prospective pupils and other partners at the outset of our relationship with them and as appropriate thereafter.

14 Who is responsible for the policy?

14.1 The Governors of the School have overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it.

14.2 The Bursar has primary and day-to-day responsibility for implementing this policy, for monitoring its use and effectiveness and for dealing with any queries on its interpretation.

14.3 All staff are responsible for implementing and adhering to the policy.

15 Monitoring and review

15.1 We will monitor the effectiveness and review the implementation of this policy on an annual basis, regularly considering its suitability, adequacy and effectiveness. 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.

15.2 All staff are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.

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.

- You become aware that a third party engages in, or has been accused of engaging in, improper business practices.
- You learn that someone has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for 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;
- You are asked for payment in cash and / or the third party 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 geographic location different from where the third party resides or conducts business.
- Someone 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.
- You are asked to make a payment in order 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 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.
- A third party requests or requires the use of an agent, intermediary, consultant 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.

Policy owner	Mark Suddaby
Reviewed on	February 2016
Review by date	January 2019
Approved by Governor Committee	Audit
Approved on	October 2016
Approve by date	February 2019
Publication	Xtranet