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# Anti-Bribery Policy

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March 2022

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# LINKS MULTI ACADEMY TRUST

## Anti-Bribery Policy March 2022

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Committee:	Academy Resources and Audit Committee (ARAC)
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### Amendments

Periodically the Senior Leadership Team and Board of Trustees will add to or revise the content within this policy. Any revision made are noted below.

Edition	Date	Revision made by	Content revised
1.0	01.06.2020	Rosie Marwaha	Revised policy adapted from HCC model policy
2.0	Mar 2022	Rosie Marwaha	Checked against HCC policy – no amendments made

*Please note that for the purpose of this policy, the following terminology will apply:*

Headteacher	Executive Head, Head of School, Headteacher
Trust	Links Multi Academy Trust
School	Links Academy St Albans, Links Academy Hatfield and Cedars

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## Introduction

The Bribery Act 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 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 School does not and will not, pay bribes or offer improper inducement to anyone for any purpose. Equally the School does not and will not accept any bribes or improper inducements.**

## Definition of Bribery

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

## 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 School (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 School is committed to countering bribery and corruption in all forms and will not tolerate it in any of its activities.

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

- Act honestly with integrity at all times to safeguard the School’s resources for which

- they are responsible
- Comply with the law (both in spirit and in the letter)
- Abide by this policy.

### Scope of the Policy

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

### Ownership of the Policy

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

The Headteacher and the Trustees Board will own the policy, thereby ensuring that there is commitment at the highest level.

### Anti-Bribery Policy

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 School 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.

### Related Policies

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

- Gifts and Hospitality
- Confidential Reporting (whistle blowing)
- Code of Conduct for staff
- Code of Conduct for Trustees
- Contract Procedure Rules and Regulations and Procurement Regulations

- Recruitment and Disciplinary Procedures

### Staff Responsibilities and all those working or performing any service on or behalf of the School:

Prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the School or under its control. All staff including third parties working or performing any service on or behalf of the School 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

### Adequate Procedures

The procedures need to be applied proportionately based on the level of risk of bribery to the School.

Adequate procedures cover:

### Risk Assessment

That the School assesses the nature and extent of its exposure to potential bribery from inside and outside. The School should know who it is doing business with and whether this has risk implications.

### Top Level Commitment

That the Trustees Board is committed to preventing bribery. That there is a clear statement that bribery is not acceptable. That the anti-bribery policy is clearly communicated to all staff and partners of the School.

### Due Diligence

That the School has policies in place and is aware of who it does business with. The School is confident that its business relationships are transparent and ethical.

1. **Clear, practical and accessible policies and procedures**  
That the School's policies and procedures to prevent bribery being committed on its behalf are clear, practical, accessible and enforceable.
2. **Effective Implementation**  
The anti-bribery policy and procedures are embedded throughout the School. This means that the anti-bribery statements are embedded in the recruitment, retention, and operational policies and in training programmes.
3. **Monitoring and Review**  
That the School monitors and reviews its policies and procedures on a regular basis to ensure that there is compliance.

Ultimately, whether procedures are adequate is for the courts to decide on a case by case basis.

### Monitoring and Review of the Implementation of the Anti-Bribery Policy

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

### 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 Headteacher and Trustees, in consultation with the Section 151 Officer, and, if an employee is involved, the Head of Human Resources or Trustees (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 School'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](mailto:sias@hertfordshire.gov.uk).

## Appendix

EFA anti-fraud checklist for academy trusts The EFA have published an anti-fraud checklist for academy trusts. It is noted that fraud occurs in every sector and although the level of identified fraud in academies is low, trusts must be aware of the potential for it to occur. The ten questions included in the checklist are intended to help Trustees, accounting officers and heads of finance to review their arrangements for preventing, detecting and dealing with fraud should it occur.

The risk of fraud is considered on an ongoing basis through the Trusts risk register which is discussed at the Academy Resources and Audit Committee; the schedule for internal audit; the annually updated financial procedures handbook; the annually updated delegated levels of authority and the overall compliance with the 'EFA Financial Handbook for Academies', driven by the staff in the central Trust team through their own independent checks and training update sessions. A summary of the Finance Handbook 'musts' is discussed and circulated to all of the Headteachers in the Trust annually in September

The 10 questions that we must always be aware of are:

1. Are trustees and the accounting officer aware of the risk of fraud and their responsibilities regarding fraud?
2. Is fraud included within the remit of the Trust's Resource Committee?
3. Has the role of the external auditor and responsible officer or equivalent regarding fraud been established and is it understood?
4. Is fraud risk considered within the Trust's risk management process?
5. Does the Trust have a fraud strategy or policy and is there a 'zero tolerance' culture to fraud in the Trust?
6. Is the strategy, policy and 'zero tolerance' culture promoted within the Trust, for example through financial regulations, disciplinary procedures, checks on new staff, induction process, staff training and the vetting of contractors?
7. Does the Trust have policies on whistleblowing, declaration of interests and the receipt of gifts and hospitality?
8. Does the Trust have appropriate segregation of duties?
9. Is it clear to whom suspicions of fraud in the Trust should be reported?
10. If there has been any fraud in the Trust, has a 'lessons learned' exercise been undertaken?

## Policy Review – Anti-Bribery

This policy will be reviewed in full by the Academy Resources and Audit Committee (ARAC) every **2** years, but may be reviewed and updated more frequently if necessary.

The policy was last reviewed and agreed by the ARAC and the Trustees in March 2022.

It is due for review in March 2024 up to 24 months from the above date.

Signature

David Allen  
Executive Headteacher  
Date.....

Signature

Maire Lynch  
Chair of Trustees  
Date.....