



Zest Academy Trust

Anti-Bribery Policy

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Person Responsible: CFO

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Anti-Bribery Policy

Introduction

This document sets out Zest Academy Trusts policy and advice to employees in dealing with bribery or suspected bribery. This policy details the arrangements made in the Trust for such concerns to be raised by employees or members of the public.

Bribery is a criminal offence for both individuals and commercial organisations and can be punished with imprisonment of up to 10 years or unlimited fines. If any employee is accused of bribery, the Academy Trust's reputation might be damaged considerably, and subsequent enforcement action will be time-consuming and hinder the academy from focussing on its core business and service delivery.

The policy applies to Zest Academy Trust and all its employees, independent of their grade and position, and shall be respected at all times.

This document sets out the Trust's policy for dealing with detected or suspected bribery and corruption.

Scope

This policy relates to all forms of bribery and is intended to provide direction and help to employees who may identify suspected bribery. The overall aims of this policy are to:

- improve the knowledge and understanding of everyone in the Academy Trust, irrespective of their position, about the risk of bribery within the organisation and its unacceptability
- assist in promoting a climate of openness and a culture and environment where staff feel able to raise concerns sensibly and responsibly
- set out the Academy Trust's responsibilities in terms of the deterrence, prevention, detection and investigation of bribery and corruption
- ensure the appropriate sanctions are considered following an investigation, which may include any or all of the following:
 - criminal prosecution
 - civil proceedings
 - internal/external disciplinary action (including professional/regulatory bodies)

This policy also applies consultants, vendors, contractors, and/or any other parties who have a business relationship with the Academy Trust. It will be brought to the attention of all

employees and form part of the induction process for new staff. It is incumbent on all of the above to report any concerns they may have concerning bribery.

In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Academy Trust Equality Policy. Special attention should be paid to ensuring the policy is understood where there may be barriers to understanding caused by the individual's circumstances, where the individual's literacy or use of English is weak, or where the individual has little experience of working life.

Definitions

Definitions for bribery and corruption vary. Some common definitions are:

Bribery- "Inducement for an action, which is illegal, unethical, or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages". Appendix A is a summary of the Bribery Act 2010.

Corruption - This can be broadly defined as the offering or acceptance of inducements, gifts, favours, payment or benefit-in-kind which may influence the action of any person. Corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.

It is a common law offence of corruption to bribe the holder of a public office and it is similarly an offence for the office holder to accept a bribe.

Zest Academy Trust has procedures in place that reduce the likelihood of bribery occurring. These include Financial Regulations, documented procedures, a system of internal control and a system of risk assessment.

Public Service Values

The three fundamental public service values are:

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| Accountability | everything done by those who work in the Academy Trust must be able to stand the tests of parliamentary scrutiny, public judgements on property and professional codes of conduct. |
| Probity | absolute honesty and integrity should be exercised in dealing with assets, employees, suppliers and customers. |
| Openness | the Academy Trust's actions should be sufficiently public and transparent to promote confidence between the academy, our employees and the public. |

In addition, all those who work for or are in contract with the Academy Trust should exercise the following when undertaking their duties and apply the Seven Nolan Principles.

<i>Selflessness</i>	should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends
<i>Integrity</i>	should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties
<i>Objectivity</i>	should, in carrying out public business, (including making public appointments, awarding contracts, or recommending individuals for rewards and benefits), make choices on merit.
<i>Accountability</i>	are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office
<i>Openness</i>	should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest demands
<i>Honesty</i>	have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest
<i>Leadership</i>	should promote and support these principles by leadership and example.

Policy

General

All employees have a personal responsibility to protect Zest Academy Trust from bribery or corruption.

The Academy Trust is absolutely committed to maintaining an honest, open and well-intentioned atmosphere, so as to best fulfil the objectives of the academy. It is, therefore, also committed to the elimination of bribery within the academy, to the rigorous investigation of any such allegations and to taking appropriate action against wrong doers, including possible criminal prosecution.

Off-the-book accounts and misleading entries on financial forms and documents or in the accounting records are strictly prohibited; where there is any concern as to how a transaction should be described, the full facts should be discussed with the CFO or CEO. All gifts, payments or any other contribution are dealt with under the Academy Trust gift and hospitality policy.

Bribing anybody is absolutely prohibited. Zest Academy Trust employees will not pay a bribe to anybody. This means that you will not offer, promise, reward in any way or give a financial or other advantage to any person in order to induce that person to perform his/her function or activities improperly, or exercise his/her discretion to the benefit of the academy or any of its employees. It does not matter whether the other person is a UK or foreign public official, political candidate, party official, private individual, private or public sector employee or any other person (including creating the appearance of an effort to improperly influence another person).

The Academy Trust, in certain circumstances, will be held responsible for acts of bribery committed by intermediaries acting on its behalf such as subsidiaries, clients, business partners, contractors, suppliers, agents, advisors, consultants or other third parties. The use of intermediaries for the purpose of committing acts of bribery is prohibited.

All employees should be aware that bribery will normally, depend upon the circumstances of the case, be regarded as gross misconduct thus warranting summary dismissal without previous warnings. However, no such action will be taken before a proper investigation and a disciplinary hearing have taken place. Such actions may be in addition to the possibility of criminal prosecution.

Facilitation payments

Facilitation payments are small payments made to secure or expedite the performance of a routine action by a government official or agency (e.g. issuing licenses or permits, installation of a telephone line, processing goods through customs, etc.) to which the payer (or the company) has legal or other entitlement.

Facilitation payments are prohibited under the Bribery Act like any other form of bribe. They shall not be given by the academy or the academy's employees in the UK or any other country.

Gifts and Hospitality

Courtesy gifts and hospitality must not be given or received in return for services provided or to obtain or retain business but shall be handled openly and unconditionally as a gesture of esteem and goodwill only. Gifts and hospitality shall always be of symbolic value, appropriate and proportionate in the circumstances, and consistent with local customs and practices. They shall not be made in cash. (Please refer to the Academy Trust's Gifts and Hospitality policy and register for more guidance).

Raising Concerns

Zest Academy Trust wishes to encourage anyone having reasonable suspicions of bribery to report them. The Academy Trusts "whistleblowing" policy, which will be rigorously enforced, is that no individual will suffer any detrimental treatment as a result of reporting reasonably held suspicions. The Public Interest Disclosure Act 1998 came into force in July 1999 and gives statutory protection, within defined parameters, to staff that make disclosures about a range of subjects, including bribery and corruption, which they believe to be happening within the organisation employing them. Within this context, 'reasonably held' means suspicions other than those which are raised maliciously and are subsequently found to be groundless.

Any unfounded or malicious allegations will be subject to a full investigation and appropriate disciplinary action.

Roles and Responsibilities

The Trust Board

The Trust Board has a duty to ensure that it provides a secure environment in which to work, and one where people are confident to raise concerns without worrying that it will reflect badly on them. This extends to ensuring that staff feel protected when carrying out their official duties and are not placed in a vulnerable position. If staff have concerns about any procedures or processes that they are asked to be involved in, the academy has a duty to ensure that those concerns are listened to and addressed.

The Trust Board will be liable to be called to account for failing to prevent bribery. The Academy Trust therefore has a duty to ensure employees receive adequate training and

support in order to carry out their responsibilities. Therefore, the Trust Board will monitor and ensure compliance with this policy.

Employees

For the purposes of this policy, 'Employees' include everyone working for Zest Academy Trust, whether on a permanent, temporary or casual basis and whether or not treated as employed for tax and employment law purposes. It also includes all volunteers, including Governors. It is expected that:

Trust Board Members, Directors, Academy Council Members and staff at all levels will lead by example in acting with the utmost integrity and ensuring adherence to all relevant regulations, policies and procedures.

Employees must act in accordance with the Academy Trust's policy which includes guidance on the receipt of gifts or hospitality.

Employees who are involved in receiving offers of sponsorship, funding or gifts from outside agencies also should comply with their own professional codes of practice. Professional staff must also make themselves aware of their own professional body codes of conduct.

Managers

Senior Management has a responsibility to ensure that an adequate system of internal control exists within the Academy Trust and its Academies, and managers at all levels have a responsibility to ensure that the controls operate effectively within their areas of responsibility. The responsibility for the prevention and detection of bribery therefore primarily rests with managers but requires the co-operation of all employees.

As part of that responsibility, Senior Management needs to:

- Inform staff of the Academy Trusts Anti-Bribery and Gifts and Hospitality policies as part of their induction process;
- assess the types of risk involved in the operations of the Academy Trust and its Academies;
- ensure that adequate control measures are put in place to minimise the risks. This must include clear roles and responsibilities, supervisory checks, staff rotation (particularly in key posts), separation of duties wherever possible so that control of a key function is not invested in one individual, and regular reviews, reconciliations and test checks to ensure that control measures continue to operate effectively;

- ensure that controls are being complied with.

All instances of actual or suspected bribery, which come to the attention of a manager, must be reported immediately. It is appreciated that some employees will initially raise concerns with their manager, however, in such cases managers must not attempt to investigate the allegation themselves, and they have the clear responsibility to refer the concerns to the HR Consultant as soon as possible.

Senior Compliance Officer

The CFO/ CEO will be responsible for implementing the Anti-Bribery Policy, providing guidance and training, monitoring compliance and sanctioning exceptions to the policy. They will review annually the suitability, adequacy and effectiveness of the Academy Trust's Anti-Bribery arrangements and policy, and will implement improvements as and when appropriate.

The Policy will be reviewed by the Trust Board every year or earlier if the annual review indicates that a change is required.

Any incident or suspicion that comes to attention of the CFO/COO will be immediately investigated to determine whether there is a *prima facie* case for further investigation. The CEO; undertakes a detailed investigation; and, will decide whether the Police and/or the auditors need to be informed. This will not be a disciplinary investigation, but the employee may be the subject of a separate disciplinary investigation.

The CFO/COO will, depending on the outcome of investigations (whether on an interim/on-going or a concluding basis) and/or the potential significance of suspicions that have been raised, inform the Trust Board Chair and the Chair of the individual academy, as may be deemed appropriate or necessary.

Information Management and Technology

Please note that, in accordance with the Academy Trust's Policy on monitoring telephone and e-mail communications by staff, the academy without notice where a suspicion of bribery is concerned may monitor telephone and email communications.

External Communications

Individuals (be they employees, agency staff, locums, contractors or suppliers) must not communicate with any member of the press, media or another third party about a suspected

act of bribery as this may seriously damage the investigation and any subsequent actions to be taken. Anyone who wishes to raise such issues should discuss the matter with the CEO.

Monitoring

The Trust will monitor the effectiveness of all policies and procedures.

Related policies

The following policies are related to this policy:

- assets and depreciation policy
- fraud policy and procedure
- investment policy
- reserves policy
- financial management handbook