EQUA Mead
Learning Trust
Every Child, Every Chance

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| **Policy name** | **Gifts, Hospitality and Anti-bribery** |
| **Policy Lead** | **CEO** |
| **Adopted by Trust Board** | **2022** |
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## 1. Statement of intent

EQUA Mead Learning Trust is committed to maintaining the highest ethical standards and acting with integrity in all business activities. 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 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 in observing and upholding our position on bribery and corruption.
- Provide information and guidance to Trust staff 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 or temporary), and includes members, trustees, governors, volunteers, agents and any other person associated with the Trust (known throughout the policy as employees).

This policy and the school's Gifts and Hospitality Register outline the school's procedures on the acceptance of gifts, hospitality, awards, prizes and other benefits that could compromise the judgement or integrity of the school or its staff. All staff will be made aware of this policy.

## 2. 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 (2024) 'Academy Trust Handbook 2024'

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

- Gifts and Hospitality Register
- Whistleblowing Policy

## 3. Roles and responsibilities

**The headteacher will be responsible for:**

- In collaboration with the School Business Manager (SBM) 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 School Business Manager 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'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 SBM, as appropriate, to offer, give or accept gifts or hospitality in the necessary circumstances.
- Reporting instances of known or suspected bribery to the headteacher at the earliest opportunity.

## 4. Bribery

Under the Bribery Act 2010, a **'bribe'** is defined as 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:

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

## 5. Acceptable and unacceptable practice

The advice of the Trust 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 they or the school will receive an advantage.

- Give, promise or offer a payment, gift or hospitality to reward an advantage they or the school have 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 employee 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.

This policy will not prohibit normal and appropriate gifts and hospitality, both given and received, if the following requirements are met:

- It is not given with the intention of:
  - Influencing a third party to obtain or retain business or a business advantage.
  - Rewarding the provision or retention of business or a business advantage.
- It is not given in exchange for favours or benefits.
- It is given in the school's name, not in the individual's name.
- It complies with local law.
- It does not include cash or a cash equivalent, e.g. vouchers or gift certificates.
- It is appropriate in the circumstances, e.g. the giving of small gifts at Christmas.
- The type and value of the gift or hospitality is reasonable based on the reason it is offered.
- It is given openly, not secretly.

Gifts and hospitality should not be offered to, or accepted from, government officials or representatives without the prior approval of the SBM.

## 6. Charitable donations

Charitable donations will be considered part of the Trust's wider purpose. The Trust will support a number of carefully selected charities, and may also support fundraising events involving employees.

The Trust will only make charitable donations that are legal and ethical. No donation will be offered or made in the school's name without the prior approval of the headteacher.

## 7. Gifts and hospitality to staff from pupils and parents

It will be permissible for staff to accept gifts from pupils and parents in the appropriate circumstances; for example, at Christmas and at the end of the term or academic year.

Staff will be permitted to accept gifts up to a value of **£20.00** from individual pupils or parents without approval from the headteacher, provided that these gifts do not satisfy the conditions outlined below. These gifts do not need to be recorded in the Gifts and Hospitality Register.

Staff will be permitted to accept gifts up to a value of **£50.00** from groups of pupils or parents without approval from the headteacher, provided that these gifts do not satisfy the conditions outlined below.

These gifts do not need to be recorded in the Gifts and Hospitality Register.

Where the gift or hospitality exceeds the values outlined above, staff will seek prior approval from the headteacher before accepting the offer. Details of the offer will be recorded in line with the **Record keeping** section of this policy.

Before accepting gifts or hospitality from parents and/or pupils, staff will consider the following before accepting gifts or hospitality:

- Whether there is any benefit to the school/Trust 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, the school's or the Trust's, support or favour.

Where staff believe the offer may satisfy one of these conditions, they will seek prior approval from the headteacher before accepting the offer.

Staff will not accept:

- Cash or monetary gifts, including tokens and gift certificates.
- Gifts or hospitality offered to their spouse, partner, family member or friend.
- Gifts or hospitality from a potential supplier or tenderer.
- Lavish, extravagant or excessive gifts or hospitality.
- Gifts or hospitality that they believe to be more than a token of gratitude given at an appropriate time, e.g. at the end of the year.

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.

If a gift meeting the above conditions is offered without warning, the member of staff will politely decline the gift. If the member of staff feels it would be inappropriate to decline the gift, they will refer the matter to the headteacher as soon as possible; the headteacher will then decide on an appropriate course of action. This may include the headteacher deciding to return the gift, asking the chair of governors for their view, or donating the gift to a charity or other local cause.

If staff are unsure whether to accept a gift in any situation, they will speak to the headteacher.

Parents and pupils will be informed of the school's policy regarding gifts and hospitality, and will be encouraged to speak to the headteacher if they want to give a staff member a gift which is of high value or may satisfy any of the conditions outlined above.

## 8. Gifts and hospitality to staff from the school

Trust schools may, at the discretion of the headteacher, provide staff with token gifts to reward efforts beyond their duties, e.g. significant contributions towards extracurricular activities. These gifts will be non-monetary, non-alcoholic and cost up to the value of **£20.00.**

When giving gifts to staff, the Trust schools will ensure:

- The value of the gift is reasonable.
- The gift is within its scheme of delegation.
- The decision to give the gift is documented.
- The gift achieves propriety and regularity in the use of public funds.

The purchasing of excessive or alcoholic gifts is regarded as irregular expenditure; as such, the school will not provide staff with gifts meeting these conditions.

## 9. Reporting and investigating bribery

Employees will be encouraged to raise concerns about any known or suspected bribery or corruption to the headteacher at the earliest possible opportunity. 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.

Concerns should be reported following the procedure set out in the Trust's **Whistleblowing Policy.**

Reports of known or suspected bribery will be investigated thoroughly and in a timely manner by the appropriate member of the SLT 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 Trust may terminate the contracts of any associated persons, including consultants or other employees acting for, or on behalf of, the school or Trust who are found to have breached this policy.

## 10. Record keeping

The school maintains up-to-date financial records and has appropriate internal controls to provide evidence for the business reasons for making payments to third parties. Employees will make the headteacher aware of gifts or hospitality received or offered over the value of **£20.00,** or over the value of **£50.00** if received from multiple donors. These gifts and hospitality will be subject to managerial review.

The Gifts and Hospitality Register is used to record the details of gifts or hospitality that need to be recorded. The following information will be recorded:

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

Employees' expenses claims relating to gifts, hospitality or expenses incurred to third parties will be submitted in accordance with the relevant procedures.

Invoices, accounts and related documents will be prepared and maintained with the highest accuracy and completeness. No accounts will be kept "off-book".

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.

## 11. Monitoring and review

This policy will be reviewed annually by the Resources Committee.

Any changes to this policy will be communicated to all staff and relevant stakeholders