



Gifts, Hospitality and Anti Bribery Policy

Our vision is to enable all to flourish.

Status and review cycle;	Non-statutory and every 2 years
Responsible group:	The Trust
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1.0 Policy Statement

- 1.1 The Trust (DGAT) is committed to the highest ethical standards and acting with integrity in all business activities. This policy details the Trust's position on preventing and prohibiting bribery.
- 1.2 Bribery by, or of, employees, agents or consultants, or any person acting on behalf of the school will not be tolerated. The Trust is committed to implementing effective measures to prevent, monitor and eliminate bribery.
- 1.3 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.

2.0 Purpose and scope

- 2.1 This policy applies to all DGAT staff working in its schools or the central team (whether paid or unpaid, permanent, fixed-term or temporary) and includes local governors, Trustees, Members, contractors and volunteers. It also applies to any person or body, acting on its behalf and any third party.
- 2.2 The purpose of this policy is to:
 - Establish the individual school's responsibilities, and of staff working for the school and within the central team, in observing and upholding the Trusts' position on bribery and corruption.
 - Provide information and guidance to those working for the Trust on how to recognise and deal with bribery and corruption concerns.

3.0 Legal framework

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

- The Bribery Act 2010
- ESFA 'Academy trust handbook'

3.2 This policy operates in conjunction with the following Trust and school policies and documents and is intended to apply to all staff employed by the Trust, including the DGAT central team:

- Gifts and Hospitality Register
- Whistleblowing Policy
- Conduct Policy

4.0 Roles and responsibilities

4.1 The headteacher or line manager will be responsible for:

- In collaboration with the SBM or in the case of central team staff, the Chief Finance Officer (CFO) 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.

4.2 The SBM or Chief Finance Officer (CFO) in the case of central team staff, will be responsible for:

- In collaboration with the Headteacher or relevant line manager, 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 Trust or school's name.

4.3 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, their line manager and/or SBM, as appropriate, to offer, give or accept gifts or hospitality in the necessary circumstances.

4.4 Reporting instances of known or suspected bribery to the Headteacher, the CFO or Chief Executive Officer (CEO) at the earliest opportunity.

5.0 The Bribery Act 2010

5.1 The Bribery Act 2010 came into force on 1st 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.

5.2 A criminal offence will be committed under the Act if:

- An employee or associated person acting for, or on behalf of, the Trust or one of its schools offers, promises, gives, requests, receives or agrees to receive bribes.
- An employee or associated person acting for, or on behalf of, the Trust or one of its schools, 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 in prevent bribery.

6.0 Unacceptable Practice

6.1 It is not acceptable for Trust staff (or someone on the Trust's 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.
- 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 might lead to a breach of this policy.

7.0 Acceptable Practice

7.1 This policy does not prohibit normal and appropriate 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 the school or Trust, not the individual's name.
- It complies with local law.
- It does not include cash
- It is appropriate in the circumstances (such as the giving of small gifts at Christmas time or end of term).
- 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, or politicians or political parties.

7.2 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.

8.0 Charitable Donations

8.1 The Trust and its schools only make charitable donations that are considered to be part of the Trust's wider purpose.

8.2 The Trust only makes charitable donations that are legal and ethical under UK Law.

8.3 No donation must be offered or made in the name of the Trust or its schools without the prior approval of the CEO.

9.0 Gifts and Hospitality from Parents and Pupils

9.1 It is permissible for staff to accept gifts from parents and pupils (at times such as Christmas and at the end of term/year).

9.2 Gifts of a value of £20.00 or less can be accepted from parents and pupils without approval from the Headteacher (providing that these gifts do not satisfy the conditions outlined in 9.4). Gifts can include tokens and store gift receipts. These gifts do not need to be recorded in the Gifts and Hospitality Register.

9.3 Staff are permitted to accept gifts from groups of pupils or parents up to the value of £50.00 with approval from the Headteacher (providing that these gifts do not

satisfy the conditions outlined on 7.4). Gifts can include tokens and store gift receipts. These gifts do not need to be recorded in the Gifts and Hospitality Register.

9.4 Staff will not accept:

- Cash.
- Gifts or hospitality offered to their spouse, partner, family member or friend.
- Gifts or hospitality from a potential supplier or tenderer.
- Lavish or extravagant gifts or hospitality.

9.5 Staff will consider the following before accepting gifts or hospitality:

- Whether there is any benefit to the Trust or its schools 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 Trust and its schools, support or favour.

9.6 Where staff believe the offer satisfies one of the conditions in 9.4 or is above the values outlined in 9.2 or 9.3, staff will seek prior approval from Headteacher (or the Trust's CFO in the case of Central staff) before accepting the offer.

9.7 In accordance with 9.6, details of the offer will be recorded as outlined in section 13 of this policy.

9.8 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).

9.9 If a gift is received without warning, staff will politely decline the gift. Or, if they feel it would be more appropriate to do this, they will refer the matter to the Headteacher (or the Trust's CFO in the case of Central staff) as soon as possible to allow a decision to be made on the course of action.

9.10 In accordance with 9.9, it may be decided to return the gift, in which case the issue should be referred to the Headteacher (or the Trust's CFO in the case of Central staff or if the gift is given to a Headteacher) or donate the gift to a charity or other local cause.

9.11 If staff are unsure whether to accept a gift in any situation, they will speak to the Headteacher (or the Trust's CFO in the case of Central staff).

9.12 Parents and pupils will be informed of the Trust'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 in 9.4.

10.0 Gifts to Staff from the Trust or its schools

10.1 The school or Trust may, at the Headteacher's or CEO's discretion, provide staff with token gifts to reward efforts beyond their duties such as significant contributions towards extra-curricular activities. These gifts must be non-monetary, non-alcoholic and cost less than £20.00 unless permission has been gained from the Trust CFO.

10.2 When giving gifts to staff, the Trust 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.

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

11.0 Reporting Suspected Bribery

11.1 Employees are encouraged to raise concerns about any suspicion of bribery or corruption at the earliest opportunity in accordance with the Trust's Whistleblowing Policy. 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.

11.2 If the employee is unsure whether a particular act constitutes bribery, this should be raised with the Headteacher or Trust's CFO, who will notify the Trust's CEO, or the Trust Board Chair if the suspected bribery relates to the CEO.

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

11.4 Employees who raise concerns in good faith will be supported by the Trust, who will ensure that they are not subjected to any detrimental treatment (such as dismissal, threats or other unfavourable 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.

12.0 Following Investigation

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

13.0 Record Keeping

13.1 The Trust keeps financial records and has appropriate internal controls to provide evidence for the business reasons of making payments to third parties.

13.2 Employees will make the Headteacher (or the Trust's CFO in the case of Central staff) aware of all hospitality or gifts received or offered over the value of £20.00, or £50.00 if received from multiple contributors. These gifts and hospitality will be subject to managerial review.

13.3 The Register of Gifts and Hospitality Register (appendix 1) is used to record 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.
- Who the gift or hospitality was offered by.
- Name of the employee the gift or hospitality was offered to.
- Value of the gift or hospitality.
- Action taken – such as whether the gift or hospitality was refused or accepted.

13.4 Employees' expenses claims relating to gifts, hospitality or expenses incurred to third parties are submitted in accordance with Trust's Financial Procedures Policy and specifically record the reason for the expenditure.

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

13.6 No accounts may be kept "off-book".

13.7 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.

Appendix One - Gifts and Hospitality Register

Name of gift/hospitality	Description	Date gift/hospitality received	Date of hospitality (if applicable)	Who offered the gift/hospitality?	Recipient	Value of gift/hospitality	Was the gift/hospitality accepted? Why?
<i>Gift voucher</i>	<i>Gift voucher for department store</i>	<i>01.02.2019</i>	<i>NA</i>	<i>Parent</i>	<i>Mr Jones</i>	<i>£100</i>	<i>Rejected in line with the Gifts, Hospitality and Anti-bribery Policy. Or Accepted as given by a combination of 30 parents</i>

