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CUL Academy Anti Bribery Policy

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 CUL Academy 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 CUL Academy does not and will not, pay bribes or offer improper inducement to anyone for any purpose. Equally CUL Academy 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 CUL Academy (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.

CUL Academy is committed to countering bribery and corruption in all forms and will not tolerate it in any of its activities.

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

- ◆ Act honestly with integrity at all times to safeguard CUL Academy'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 CUL Academy's activities including its work with strategic partners, third parties, suppliers, and others.

Ownership of the Policy

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

The Principal and the Board of Governors 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 CUL Academy 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 CUL Academy's approach to reducing bribery risks (**delete if not appropriate**):

- ◆ Gifts and Hospitality
- ◆ Anti-Fraud and Corruption Policy
- ◆ Confidential Reporting (whistle blowing)
- ◆ Code of Conduct for staff
- ◆ Code of Conduct for Governors
- ◆ 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 CUL Academy:

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

Adequate procedures cover:

1. Risk Assessment
That CUL Academy assesses the nature and extent of its exposure to potential bribery from inside and outside. CUL Academy should know who it is doing business with and whether this has risk implications.
2. Top Level Commitment
That the Governing body 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 CUL Academy.
3. Due Diligence

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

4. Clear, practical and accessible policies and procedures
That CUL Academy's policies and procedures to prevent bribery being committed on its behalf are clear, practical, accessible and enforceable.
5. Effective Implementation
The anti-bribery policy and procedures are embedded throughout CUL Academy. This means that the anti-bribery statements are embedded in the recruitment, retention, and operational policies and in training programmes.
6. Monitoring and Review
That CUL Academy 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 Governors 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 Principal and Governors, in consultation with the Section 151 Officer, and, if an employee is involved, the Head of Human Resources or Governors (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 CUL Academy's Employee Code of Conduct.