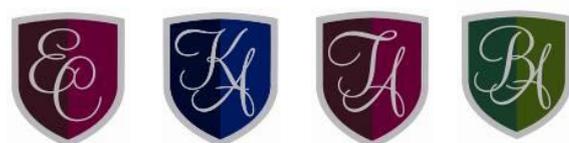




# Emmanuel Schools Foundation

## Anti-Bribery Policy



## ANTI-BRIBERY POLICY

### Background

The Bribery Act passed through Parliament on the 8<sup>th</sup> April 2010. It came into force on the 1<sup>st</sup> June 2011 and is one of the strictest pieces of anti corruption legislation in the world. A person guilty of a bribery offence is potentially liable to imprisonment for up to 10 years or to an unlimited fine. A commercial organisation guilty of the corporate offence is liable to an unlimited fine.

There are four main offences:

1. Bribing another person (section 1) – it is an offence to offer, promise or give a bribe (so-called “active bribery”).
2. Receiving bribes (section 2) – it is an offence to request, agree to receive or accept a bribe (so-called “passive bribery”).
3. Bribing foreign officials (section 6) – it is an offence to bribe a foreign public official to obtain or retain business or a business advantage.
4. Failure of commercial organisations to prevent bribery (section 7) – this offence is based on the failure by a commercial organisation to prevent bribery by people acting on its behalf including those who provide services to it (“the corporate offence”).

### The “corporate” offence in more detail

The offence; a relevant commercial organisation is guilty of an offence if any person associated with it bribes another person intending:

- a) to obtain or retain business for the commercial organisation; or
- b) to obtain or retain an advantage in the conduct of business for the commercial organisation.

A commercial organisation is very broadly defined and includes anybody corporate or partnership, wherever it is incorporated / formed, which carries on a business in any part of the UK.

### Penalties

- Unlimited fine
- “Senior officers” (widely defined to include a director, manager or secretary) could also be personally liable under the Act if they have consented to or connived in the commission of a bribery offence by a body corporate.

Not to mention the reputational damage.

Emmanuel Schools Foundation (“ESF”) values its reputation for ethical behaviour and for financial probity and reliability. It recognises that over and above the commission of any crime, any involvement in bribery will also reflect adversely on its image and reputation. Its aim therefore is to limit its exposure to bribery by:

- Setting out a clear anti-bribery policy;
- Training all employees so that they can recognise and avoid the use of bribery by themselves and others;

- Encouraging its employees to be vigilant and to report any suspicion of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately;
- Thoroughly investigating potential instances of bribery and assisting the police and other appropriate authorities in any prosecution;
- Taking firm and vigorous action against any individual(s) involved in bribery.

## **The Policy**

The ESF policy prohibits: the offering, the giving, the solicitation or the acceptance of any bribe, whether cash or other inducement to or from any person or company, wherever they are and whether they are a public official or body or private person or company by any employee, agent or other person or body acting on the ESF's behalf in order to gain any commercial, contractual or regulatory advantage for ESF in a way which is unethical or to gain any personal advantage for the individual or anyone connected with that individual .

This policy is not meant to prohibit the following practices providing they are proportionate and are properly recorded in the gifts and hospitality register (whether accepted or not):

- normal and appropriate hospitality
- the giving of a ceremonial gift on a festival or at another special time
- the use of any recognised fast-track process which is available to all on payment of a fee
- the offer of resources to assist the person or body to make the decision more efficiently provided that they are supplied for that purpose only.

In addition, charitable donations are not covered by this policy.

The Secretary of State for Justice has stated that "no one wants to stop firms from getting to know their clients by taking them to events like Wimbledon or the Grand Prix". The Ministry of Justice has stated that, in general, the higher the expenditure and the more lavish the hospitality provided, the greater the inference that it is intended to influence another and so constitute bribery. It is obvious that the levels of appropriate expenditure will depend upon the nature of the business. Inevitably, decisions as to what is acceptable may not always be easy. If anyone is in doubt as to whether a potential act constitutes bribery, the matter should be referred to the Chair, Principal or Finance Director.

## Employee Responsibility

The prevention, detection and reporting of bribery is the responsibility of all employees throughout ESF. Employees or others can report confidentially any suspicion of bribery to;

- their line manager,
- Principal,
- the Finance Director
- or the Chairman.

## Identified Risks

ESF has identified the following risks of bribery. The list is not exhaustive and will be updated from time to time.

- Parents, or agents, offering inducements to staff
- Parents or agents requesting that a refund be paid into a different bank account, or to a different country, or to a different person to the one from which it was received by the ESF
- Suppliers offering inducements to staff to purchase items or services from the particular supplier
- Disproportionate gifts or hospitality from suppliers
- Purchase ledger or employee bank details changing regularly

Should you have questions about this policy these should be directed to the Finance Director.