

Policy/Procedure Name:	Anti-bribery Policy		
Policy/Procedure Number:	TLT 03		
Revised Date:	November 2019		
Review by Date:	November 2021		
Policy/Procedure Author:	Finance and Resources Director		
Policy/Procedure Owner:	Chief Executive		
Management Committee Approved By:	TLT		
Trustee/Governor Committee (where appropriate) Approved By:	Finance and Investment Committee		
For Action By:	Employees and associated persons		
For Information to:	All employees, trustees, governors, consultants, volunteers, contractors or agents or any person or body acting on Treloar's behalf		
Approval requested to upload on the Treloar Website:	Yes <input type="checkbox"/> (tick if requested)		
Who is carrying out EIA?	Finance and Resources Director	Date of EIA?	22/03/2017
Have we shown due regard for the 9 protected characteristics within the policy/procedure?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Are all opportunities to promote equality taken within the policy/procedure?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Refer Policy/Procedure to EDI Co-ordinator for further assessment	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

1. Policy/ Procedure Aim –

The aim of this policy is to:

- Set out the responsibilities of Treloar Trust, School and College and of those working for Treloar's in observing and upholding our position on bribery;
- and
- Provide information and guidance to those working for Treloar's on how to recognise and deal with bribery issues.

Anti-bribery policy

1 Introduction

- 1.1 Treloar's is committed to the highest standards of ethical conduct and integrity in its business activities. This policy outlines Treloar's position on preventing and prohibiting bribery, in accordance with the Bribery Act 2010. Treloar's is committed to complying with the Bribery Act 2010 in all its activities.
- 1.2 The purpose of this policy is to:
- a) Set out the responsibilities of Treloar Trust, School and College and of those working for Treloar's in observing and upholding our position on bribery; and
 - b) Provide information and guidance to those working for Treloar's on how to recognise and deal with bribery issues.
- 1.3 This policy applies to all employees, trustees, governors, consultants, volunteers, contractors or agents or any person or body acting on Treloar's behalf. Those listed in this clause are referred to within in this policy as employees and associated persons.
- 1.4 Every employee and associated person acting for, or on behalf of, Treloar's is responsible for maintaining the highest standards of business conduct. Any breach of this policy is likely to constitute a serious disciplinary and/or contractual and criminal matter for the individual concerned and may cause serious damage to the reputation and standing of Treloar's.
- 1.5 Treloar's may also face criminal liability for unlawful actions taken by its employees or associated persons under the Bribery Act 2010. All employees and associated persons are required to familiarise themselves and comply with this policy, including any future updates

that may be issued from time to time by Treloar's.

- 1.6 Offences under the Bribery Act 2010 are punishable for individuals by up to ten years imprisonment. If Treloar's were found to have taken part in corruption the organisation could face an unlimited fine and damage to its reputation.
- 1.7 The Bribery Act 2010 came in to force from 1 July 2011. This policy covers:
 - the main areas of liability under the Bribery Act 2010;
 - the responsibilities of employees and associated persons acting for, or on behalf of, Treloar's
 - the consequences of any breaches of this policy.

2 Bribery Act 2010

- 2.1 Treloar's will not tolerate any form of bribery by, or of, its employees, trustees, governors, consultants, volunteers, contractors or agents or any person or body acting on its behalf. The trustees, governors and senior management are committed to implementing effective measures to prevent, monitor and eliminate bribery.
- 2.2 Under the Bribery Act 2010, a bribe is a financial or other type of advantage that is offered or requested 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.
- 2.3 A relevant function or activity includes public, state or business activities or any activity performed in the course of a person's employment, or on behalf of another company or individual, where the person performing that activity is expected to perform it in good faith, impartially, or in accordance with a position of trust.
- 2.4 A criminal offence will be committed under the Bribery Act 2010 if:
 - an employee or associated person acting for, or on behalf of, Treloar's (i) offers, promises or gives a bribe, or (ii) requests, receives or agrees to receive a bribe;
 - an employee or associated person acting for, or on behalf of, Treloar's offers, promises or gives a bribe to a foreign public official with the intention of influencing that official in the

performance of his/her duties (where local law does not permit or require such influence);

- Treloar's does not have adequate procedures in place to prevent bribery by its employees or associated persons.

3 What is prohibited?

- 3.1 Treloar's prohibits employees or associated persons from offering, promising, giving, soliciting or accepting any bribe. The bribe might be cash, a gift or other inducement to, or from, any person or company. The bribe might be made to ensure that a person or company improperly performs duties or functions (for example, by not acting impartially or in good faith or in accordance with their position of trust) to gain any commercial, contractual or regulatory advantage for Treloar's, or to gain any personal advantage, financial or otherwise, for the individual or anyone connected with the individual.
- 3.2 This prohibition also applies to indirect contributions, payments or gifts made in any manner as an inducement or reward for improper performance, for example through consultants, contractors or sub-contractors, agents or sub-agents, sponsors or sub-sponsors, advisors, customers, parents of current or prospective students, suppliers or other third parties.

4 Records

- 4.1 Employees and, where applicable, associated persons, are required to take particular care to ensure that all Trust records are accurately maintained in relation to any contracts or Trust activities, including records of service provision, financial invoices and all payment transactions with commissioners, suppliers and public officials.
- 4.2 Due diligence should be undertaken by employees and associated persons prior to entering into any contract, arrangement or relationship with a potential supplier of services, agent, consultant or representative in accordance with Treloar's tendering, financial and risk management procedures, including the Hospitality and Business Gifts Policy.
- 4.3 Employees and associated persons are required to keep accurate, detailed and up-to-date records of all corporate hospitality, entertainment or gifts accepted or offered.

5 Corporate entertainment, gifts, hospitality and promotional

Policy/Procedure Name: Anti-bribery Policy
Policy/Procedure No: TLT 03

Revised Date: Nov 2019

Review by Date: Nov 2021
Page 4 of 19

expenditure

Principle

- 5.1 Treloar's permits corporate entertainment, gifts, hospitality and promotional expenditure that is undertaken:
- for the purpose of establishing or maintaining good business relationships;
 - to improve the image and reputation of Treloar's; or
 - to present Treloar's goods and services effectively;
- provided that it is:
- arranged in good faith, and
 - not offered, promised or accepted to secure an advantage for the Company or any of its employees or associated persons or to influence the impartiality of the recipient.
- 5.2 Treloar's will authorise only reasonable, appropriate and proportionate entertainment and promotional expenditure.

Procedure

- 5.3 Employees and, where relevant, associated persons should submit requests for proposed hospitality and promotional expenditure well in advance of proposed dates. Requests should be made to the Chief Executive.
- 5.4 Employees and, where relevant, associated persons are required to set out in writing:
- the objective of the proposed entertainment or expenditure;
 - the identity of those who will be attending;
 - the organisation that they represent; and
 - details and rationale of the proposed activity.
- 5.5 Treloar's will approve business entertainment proposals only if they demonstrate a clear business objective and are appropriate for the nature of the business relationship. Treloar's will not approve business entertainment where it considers that a conflict of interest may arise or where it could be perceived that undue influence or a particular business benefit was being sought (for example, prior to a tendering exercise).
- 5.6 Any gifts, rewards or entertainment received or offered from commissioners, clients, public officials, suppliers or other business

contacts should be reported immediately to the Chief Executive or in the case of a Governor, Trustee or Chief Executive, to the Chair of Trustees. In certain circumstances, it may not be appropriate to retain such gifts or be provided with the entertainment and employees and associated persons may be asked to return the gifts to the sender or refuse the entertainment, for example, where there could be a real or perceived conflict of interest. As a general rule, small tokens of appreciation, such as flowers or a bottle of wine, may be retained by employees.

- 5.7 If an employee or associated person wishes to provide gifts to commissioners, suppliers, clients or other business contacts, prior written approval from the Chief Executive* is required, together with details of the intended recipients, reasons for the gift and business objective. These will be authorised only in limited circumstances [and will be subject to a cap of £100 per recipient]. Any gift being made by a Governor, Trustee or the Chief Executive must be notified in writing to the Chair of Trustees.
- 5.8 Employees and, where applicable, associated persons must supply records and receipts, in accordance with Treloar's expenses policy.

6 Facilitation payments

Principle

- 6.1 Treloar's prohibits its employees or associated persons from making or accepting any facilitation payments. These are payments made to government officials for carrying out or speeding up routine procedures. They are more common overseas.
- 6.2 Facilitation payments are distinct from an official, publicly available fast-track process. Facilitation payments, or offers of such payments, will constitute a criminal offence by both the individual concerned and Treloar's under the Bribery Act 2010, even where such payments are made or requested overseas.
- 6.3 Employees and associated persons are required to act with greater vigilance when dealing with government procedures overseas.

Procedure

- 6.4 Where a public official has requested a payment, employees or associated persons should ask for further details of the purpose and nature of the payment in writing. If the public official refuses to give these, this should be reported immediately to the Chief Executive.

- 6.5 If the public official provides written details, the Chief Executive will consider the nature of the payment. Local legal advice may be sought by Treloar's.
- 6.6 If it is concluded that the payment is a legitimate fee, for example part of a genuine fast-track process, or is permitted locally, Treloar's will authorise the employee to make the payment.
- 6.7 Where the Chief Executive considers that the request is for a facilitation payment, the employee or associated person will be instructed to refuse to make the payment and notify the public official that the employee or associated person is required to report the matter to Treloar's and the UK embassy.
- 6.8 Treloar's will seek the assistance of the relevant employee in its investigation and may determine that the matter should be referred to the prosecution authorities.
- 6.9 If an employee or associated person has any other concerns about the nature of a request for payment, he/she should report it to the Chief Executive* using the reporting procedure set out in this policy [and in accordance with Treloar's whistle blowing policy].

7 Working overseas

Principle

- 7.1 Employees and associated persons conducting business on behalf of Treloar's outside the UK may be at greater risk of being exposed to bribery or unethical business conduct than UK-based employees. Employees and associated persons owe a duty to Treloar's to be extra vigilant when conducting international business.

8 Risk management

Principle

- 8.1 Treloar's has established detailed risk management procedures to prevent, detect and prohibit bribery.
- 8.2 Treloar's will conduct risk assessments for each of its key business activities on a regular basis and, where relevant, will identify employees or associated persons who are in positions where they may be exposed to bribery.

Procedure

- 8.3 Employees and associated persons are required to cooperate with Treloar's risk management procedures and to report suspicions of bribery to the Chief Executive*. While any suspicious circumstances should be reported, employees and associated persons are required particularly to report:
- close family, personal or business ties that a prospective agent, representative or joint-venture partner may have with government or corporate officials, directors or employees;
 - a history of corruption in the country in which the business is being undertaken;
 - requests for cash payments;
 - requests for unusual payment arrangements, for example via a third party;
 - requests for reimbursements of unsubstantiated or unusual expenses
 - a lack of standard invoices and proper financial practices.
- 8.4 If an employee or associated person is in any doubt as to whether or not a potential act constitutes bribery, the matter should be referred to the Chief Executive*.
- 8.5 Treloar's will identify high-risk areas, for example projects involving tenders for significant contracts and those working on high-value projects. A bribery risk assessment form will be required when the Chief Executive considers a high-risk project is planned.
- 8.6 Treloar's will:
- regularly monitor "at risk" employees and associated persons;
 - regularly communicate with "at risk" employees and associated persons;
 - undertake extensive due diligence of third parties and associated persons; and
 - communicate its zero-tolerance approach to bribery to third parties, including actual and prospective customers, suppliers and joint-venture partners.

9 Reporting suspected bribery

Principle

- 9.1 Treloar's depends on its employees and associated persons to ensure that the highest standards of ethical conduct are maintained in all its business dealings. Employees and associated persons are requested to assist Treloar's and to remain vigilant in preventing, detecting and reporting bribery.
- 9.2 Employees and associated persons are encouraged to report any concerns that they may have to the Chief Executive as soon as possible. Issues that should be reported include:
- any suspected or actual attempts at bribery;
 - concerns that other employees or associated persons may be being bribed; or
 - concerns that other employees or associated persons may be bribing third parties, such as commissioners or government officials.

Procedure

- 9.3 A form is available from the HR to allow employees to record any incidents of suspected bribery (Annex D). Any such reports will be thoroughly and promptly investigated by the Chief Executive in the strictest confidence. Employees and associated persons will be required to assist in any investigation into possible or suspected bribery.
- 9.4 Employees will also be required to comply with the Treloar's whistle blowing policy and report any suspected incidents of bribery.
- 9.5 Treloar's will support employees or associated persons who report instances of bribery in good faith. Treloar's will ensure that the individual is not subjected to detrimental treatment as a consequence of their report. Any instances of detrimental treatment by a fellow employee because an employee has made a report will be treated as a disciplinary offence.
- 9.6 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees and associated persons should not agree to remain silent. They should report the matter to the Chief Executive*.

10 Action by Treloar's

- 10.1 Treloar's will fully investigate any instances of alleged or suspected bribery. Employees suspected of bribery may be suspended from their duties while the investigation is being carried out.
- 10.2 Treloar's will invoke its disciplinary procedures where any employee is suspected of bribery, and proven allegations may result in a finding of gross misconduct and immediate dismissal.
- 10.3 Treloar's may terminate the contracts of any associated persons, including consultants or other workers who act for, or on behalf of, the Trust who are found to have breached this policy.
- 10.4 Treloar's may also report any matter to the relevant authorities, including the Director of Public Prosecutions, Serious Fraud Office, Revenue and Customs Prosecutions Office and the police. Treloar's will provide all necessary assistance to the relevant authorities in any subsequent prosecution.

11 Review of procedures and training

- 11.1 Treloar's will regularly communicate its anti-bribery measures to employees and associated persons. Treloar's will set up training sessions where applicable. The Chief Executive is responsible for the implementation of this policy and is managed by the Chair of Trustees.
- 11.2 The Chief Executive will monitor and review the implementation of this policy and related procedures on a regular basis, including reviews of internal financial systems, expenses, corporate hospitality, gifts and entertainment policies.
- 11.3 Employees and those working for, or on behalf of, Treloar's are encouraged to contact the Chief Executive with any suggestions, comments or feedback that they may have on how these procedures may be improved.
- 11.4 Treloar's reserves the right to amend and update this policy as required. For the avoidance of doubt, this policy does not form part of employees' contracts of employment.

* Where any reporting about a facilitation payment or suspected bribe relates to the Chief Executive, a report should be made to the Chair of Trustees

Annex A

Law relating to this document

Leading statutory authority

Bribery Act 2010

[Bribery Act 2010: Guidance about commercial organisations preventing bribery \(PDF format, 380K\)](#) (on the Ministry of Justice website)

The Bribery Act 2010 introduced new criminal offences for bribery for both individuals and companies. The Act came into force on 1 July 2011.

The Bribery Act 2010 replaces the previous main statutory authorities on bribery and creates several new criminal corporate offences..

Active and passive bribery

An active bribe is defined in s.1 of the Bribery Act 2010 as a financial or other advantage offered, promised or given to induce a person to perform a relevant function or activity improperly or to reward him or her for doing so. Section 2 defines a passive bribe as requesting, agreeing to receive or accepting a bribe. A bribe takes place even where the advantage offered is to be provided to a third party.

A person has performed a function improperly where he or she has not met an expectation that he or she would act in good faith, impartially, or in accordance with a position of trust.

A relevant function or activity includes state or public functions, those connected with a business or those performed in the course of employment, or on behalf of a company or other person. Bribery in both the public and private sectors is covered.

Both these general offences of active and passive bribery may apply to individuals and companies.

The Bribery Act 2010 creates three further specific offences of commercial bribery. These apply to all commercial organisations, including companies, partnerships and incorporated bodies that carry on a business or part of a business in the UK (including those with charitable, educational or public functions).

Section 6 - bribery of a foreign public official

Section 6 of the Bribery Act 2010 prohibits bribery of a foreign public official to obtain or retain business or an advantage in the conduct of business. The offence is committed where a person offers, gives, or promises a financial or other advantage to a foreign public official with the intention of influencing the

Policy/Procedure Name: Anti-bribery Policy
Policy/Procedure No: TLT 03

official in the performance of his or her duties, where the official was not permitted by local law to be influenced in that manner. This includes all forms of facilitation payments.

Employers should research and consider local laws in relation to the making of payments to public officials.

The guidance states that, where an individual makes a payment to protect against loss of life, limb or liberty, where no alternative is available, he or she may be able to rely on the defence of duress to avoid prosecution.

Section 7 - failure of company to prevent bribery by associated person

Section 7 of the Bribery Act 2010 establishes a new form of corporate liability where a commercial organisation has failed to prevent bribery by associated persons under ss.1 and 6 acting on behalf of an organisation. An associated person, defined in s.8, is a person who performs services for, or on behalf of, an organisation. This includes individuals and companies, so covers employees, agents, contractors, suppliers (who perform services) and subsidiaries based in and outside the UK. The scope of the Bribery Act 2010 extends to conduct undertaken by foreign nationals overseas.

Employers should be aware that an offence is committed even where the bribe has not actually been given. An offer or promise is sufficient for liability to arise under the Bribery Act 2010.

Section 14 - offences under ss.1 and 6 by corporate bodies

Section 14 of the Bribery Act 2010 provides that, where an offence is proved to have been committed by a company with the “consent or connivance” of the senior officer of the company, both the company and the senior officer will be guilty of the offence. A senior officer will include any director and senior manager who has a close connection to the UK (for example, a British citizen or a person who is resident in the UK).

Directors or senior management who are found to have omitted to take action or who have turned a blind eye to actions of employees or associated persons that amount to bribery will be personally liable and at risk of imprisonment. Therefore, it is imperative that senior management is fully engaged in implementing anti-bribery measures.

Jurisdiction

Policy/Procedure Name: Anti-bribery Policy
Policy/Procedure No: TLT 03

Revised Date: Nov 2019

Review by Date: Nov 2021
Page 12 of 19

Section 12 of the Bribery Act 2010 provides that UK courts will have jurisdiction over offences committed outside the UK for s.1, 2 or 6 offences by an individual with a close connection to the UK (for example, a person who is resident in the UK or a UK incorporated company or partnership).

However, for s.7 offences, there is no requirement that the offence be committed by an individual or company with a close connection to the UK. Any company that is incorporated or formed in the UK or carries out business in the UK will be liable for an associated person's conduct, even where that person is not a UK resident, citizen or company, or where the conduct takes place outside the UK. Companies need to be aware of the risks where business is conducted by foreign nationals overseas, especially in territories where corruption is commonplace. Companies will need to carry out extensive due diligence on any agents, intermediaries, joint-venture partners or other representatives conducting business overseas.

Penalties

Conviction for offences under the Bribery Act 2010 carries severe penalties. These include up to 10 years' imprisonment and fines for an individual and/or unlimited fines for a company convicted of bribery.

Hospitality/Gift Request Form

Please complete **Annex B** together with **Annex C** and **submit both** to the Chief Executive. An incomplete submission will not be processed.

The objective of the proposed entertainment or expenditure:	
Identity of those who will be attending/receiving gift:	
The organisation the 'receiver' represents:	
Details and rationale of the proposed activity:	
Date of hospitality:	
Value of hospitality/gift:	
Requestor's name:	
Requestor's signature and date:	
Signature of Chief Executive and date:	

GIFT & HOSPITALITY RISK ASSESSMENT

Please complete **Annex C** together with **Annex B** and **submit both** to the Chief Executive. An incomplete submission will not be processed.

Subject:	
-----------------	--

Completed by:		Date:	
----------------------	--	--------------	--

Authorised by: (line manager)		Date:	
--	--	--------------	--

Further reference:	Anti Bribery Policy	Assessment Ref. (if required):	
---------------------------	----------------------------	---	--

HAZARD IDENTIFICATION AND CONTROLS

Risk of Activity falling under the definition of a bribe as defined in the Bribery Act 2010	Control measures in place	Additional controls required	Completed ✓

Risk Assessment guide

- Risk assessments need to be “suitable and sufficient”, not perfect. The key points are that precautions to control or reduce significant risk are in place and you can show a proper check was made to reach that position. You will need to record the significant findings of assessments either in writing or on computer. To make things simpler you can refer to, or attach, policies and procedures that may be relevant. Trivial risks arising from routine activities do not usually have to be formally assessed or recorded (unless significant or unique in some way to the circumstances).
- The person completing and supervising the assessment need to be “competent”. This requires the person to be able to make sound judgements based on experience, knowledge and possibly training and qualifications. It is important therefore a competent person also knows their limitations.
- Treloar’s Bribery Policy can be found Sharepoint/Policies and Procedures/TLT.

Circulation

Anyone who may be affected by significant findings needs to be aware and understand the assessment and controls measures required. Departments concerns must ensure risk assessments are filed, appropriately circulated and available for inspection.

Report On Suspected Bribery Form

Please complete **Annex D** and **submit** to the Chief Executive.

Details of the suspected hospitality/gift/incentive (bribe)	
Identity of the parties involved:	The organisation(s) that they represent:
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.
Details and suspected motivation of bribe (if known)	
Date of suspected bribe:	
Value of hospitality/gift/incentive:	
Reporters' name:	
Reporter's signature:	

HR use only:

Received by:	
Date:	
Action taken:	
Description of resolution	

2. Policy/Procedure Details

2.1 Key Responsibilities

Policy/Procedure Communication and Implementation Action Plan - Amend and add to as appropriate		
	Action	Responsibility
1	Ensure that all managers, employees and volunteers of Treloar Trust have access to the related procedures.	Treloar Leadership Team
2	Train all managers, employees and volunteers in the implementation of the policy and the related procedures.	Human Resources Director (delegated to Training Manager)
3	Ensure that all new employees, staff and volunteers are made aware of the policy, understand it, and know where to access a copy and where to access the related procedures.	Training Manager
4	Ensure that all managers, employees and volunteers of Treloar Trust have access to the related procedures.	All Managers
5	Ensure that all new employees, staff and volunteers know their responsibilities, and receive training in carrying these out.	All Managers

3. Implications of Policy/Procedure

3.1 Training Requirements

3.2 Communication Requirements

How will the Policy/procedure be communicated:	Sharepoint
Who will ensure the above communication is carried out::	PA to Finance and Resources Director
Do the changes made to this policy/procedure affect any other policies/procedures? If yes, has this been communicated to the policy/procedure author/owner	no

3.3 Accessibility Requirements

Accessibility Statement - This policy/procedure can be adapted (wherever possible) into the appropriate format to meet the needs of a reader on request. If you require this document in a different format (e.g. symbolised easy read, speech, braille, translated into a different language please contact jo.cox@treloar.org.uk

3.3 Other Implementation Requirements

4. Monitoring and Review

Every three years

5. Links to other related policies, procedures or documents (internal)

Gifts and Hospitality Policy

6. Further sources of information (external)

7. References

8. Definitions

9. Revision History

Listed below is a brief audit trail, detailing amendments made to this policy procedure in last 4 years

Page/para No.	Brief description of the change(s)	Change made by	Date
all	New template and minor changes	Simon Birch	31/01/2016
P1	Changed format to cover sheet	Simon Birch	26/11/19
4.2	Deletion of brackets	Simon Birch	26/11/19
5.6 & 5.7	Clarification of reporting requirements for gifts given or received by the Chief Executive, Trustees or Governors	Simon Birch	26/11/19
Page 10	Insertion of paragraph relating to reporting requirements regarding facilitation payments or suspected bribes relating to the Chief Executive (in sections 5.7, 6.9, 8.3, 8.4 and 9.6)	Simon Birch	26/11/19

IMPORTANT NOTES:

It is essential for those with designated responsibilities to familiarise themselves with the sources of information, referred to above.

Policy documents describe mandatory minimum standards and will be subject to audit and review. Line managers are required to ensure suitable and sufficient arrangements are in place to meet policy requirements, including the provision of information and instruction to staff.