

INVICTUS

Education Trust

**ANTI-BRIBERY,
GIFTS AND
HOSPITALITY POLICY**

Approved by Board of Trustees
27th September 2021

To be reviewed by Board of Trustees
July 2024

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1. Introduction

- 1.1 Invictus Education Trust “the Trust”, is committed to the highest standards of ethical conduct and integrity in the work it carries out. It is also committed to preventing and prohibiting bribery, in accordance with the Bribery Act 2010.
- 1.2 Invictus Education Trust will not tolerate any form of bribery by, or of, its employees, agents or consultants or any person or body acting on its behalf. The Board of Trustees is committed to implementing effective measures to prevent, monitor and eliminate bribery.

2. Scope of this Policy

- 2.1 This policy applies to anyone working for the Trust or on its behalf, including all employees, consultants, contractors, agency workers and volunteers, who are all responsible for maintaining the highest standards of conduct. These are referred to as employees and associated persons for the purpose of this policy.
- 2.2 The Trust may face criminal liability for unlawful actions taken by the 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 the Trust.
- 2.3 Employees are also required to comply with the Whistleblowing Policy, available the Trust’s website.
- 2.4 Any breach of this policy is likely to constitute a serious disciplinary, contractual and criminal matter for the individual concerned and may cause serious damage to the Trust’s reputation and standing.
- 2.5 This policy does not form part of any employee’s contract of employment and we may amend it at any time.

3. What is Bribery?

- 3.1 The Trust must have adequate procedures in place to prevent bribery by its employees or associated persons. A criminal offence will be committed under the Bribery Act 2010 if an employee or associated person acting for, or on behalf of Invictus Education Trust:
 - offers, promises, gives, requests, receives or agrees to receive bribes; or
 - 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); or
 - failure to prevent bribery.

4. What is prohibited?

- 4.1 The Trust 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, whether a public or government official, official of a state-controlled industry, political party or a private person or company, regardless of whether the employee or associated person is situated in the UK or overseas.
- 4.2 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 the Trust in either obtaining or maintaining Company business, or to gain any personal advantage, financial or otherwise, for the individual or anyone connected with the individual.
- 4.3 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 subcontractors, agents or sub-agents, sponsors or sub-sponsors, joint-venture partners, advisors, customers, suppliers or other third parties.

5. Records

- 5.1 Employees and, where applicable, associated persons, are required to take particular care to ensure that all company records are accurately maintained in relation to any contracts or business activities, including financial invoices and all payment transactions with clients, suppliers and public officials.
- 5.2 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 Invictus Education Trust's procurement procedures.
- 5.3 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.

6. Invictus Education Trust Gifts and Hospitality Policy

- 6.1 Any gifts given/received will only be considered where they comply with HMRC's trivial benefits legislation. In summary, HMRC set a £50 limit whereby a gift will not be considered taxable if all of the following apply:
 - it cost you £50 or less to provide
 - it isn't cash or a cash voucher
 - it isn't a reward for their work or performance
 - it isn't in the terms of their contract

The link to the legislation <https://www.gov.uk/expenses-and-benefits-trivial-benefits>.

6.2 Receiving Gifts and Hospitality

- 6.3 The Trust will only approve business entertainment proposal invitations if they demonstrate a clear business objective and are appropriate for the nature of the business relationship. The Trust 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).
- 6.4 Any gifts, rewards or entertainment received or offered from clients, public officials, suppliers or other business contacts should be reported immediately to the Headteacher or the Chief Executive Officer. 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.
- 6.5 Such gifts must be recorded in the School or HQ gifts and hospitality register held by the Finance Assistant.

6.6 Giving Gifts and Hospitality

- 6.7 The Trust will not normally give gifts to other individuals or organisations. It must have regard to the propriety and regularity of the use of public funds. If it is considered appropriate, then gifts of no more than £50 per occasion/recipient, to a maximum of £200 per year will be considered acceptable in the following instances:
 - Expenditure, such as flowers, on staff wellbeing where an employee has been away from work for a prolonged time due to a serious illness or has been hospitalised, due to a serious illness.
 - Expenditure, such as flowers or fruit, in recognition of wellbeing in respect of a regular supplier to the Trust can be made by the Headteacher, by exception.
 - Charitable donations eg instead of flowers for a funeral or matching amount raised by students, should be in line with the less than £50 per occasion to comply with the Trust's objects.
 - The CEO can disapply the policy if there is a valid reason. This should be approved by Trust Board before the gift is made, where practical.

- 6.8 The Academies Accounts Direction 2020/21 states that irregular expenditure includes all alcohol and excessive gifts including those purchased from unrestricted funds.
- 6.9 Thus, any instances of purchase of alcohol from **any** Trust funds will be deemed as an Irregularity or Impropriety of funds and could lead to the Trusts Annual accounts being qualified at the external audit stage. Therefore, under no circumstances must alcohol be purchased as a wellbeing gift.
- 6.10 Employees and, where applicable, associated persons must supply records and receipts, in accordance with the Invictus Education Trust's expenses policy.
- 6.11 The expenditure will be posted by the Trust/School as staff hospitality or staff wellbeing in the accounting system PS Financials.
- 6.12 The expenditure must be authorised by the Headteacher, seeking advice from the Chief Finance Officer if there is doubt regarding the eligibility.

Exceptions

- 6.13 The Trust's giving of Gifts policy does not apply to the award of gifts, prizes etc related to the achievement of pupils eg attainment or merit awards, nor Trust wide staff recognition events or activities.
- 6.14 In the event that the Trust's Headteachers are required to hold any annual planning events on behalf of their school and this is an off-site event, for example a School Improvement Planning (SIP) event with the Senior Leadership Team (SLT), this **MUST** be approved by the CEO in writing and copied to the CFO, before being arranged. The cost of the planning event must be reasonable and kept to the minimum level of expenditure.

7. Risk management

- 7.1.1 The Trust has established detailed risk management procedures to prevent, detect and prohibit bribery and conducts risk assessments for each of its key business activities on a regular basis and, where relevant, will identify employees or officers of the Trust who are in positions where they may be exposed to bribery.
- 7.2 Invictus Education Trust 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.

8. Reporting suspected bribery

- 8.1 The Trust depends on all of its employees and associated persons to ensure that the highest standards of ethical conduct are maintained in all the business dealings. Employees and associated persons are requested to assist the Trust and to remain vigilant in preventing, detecting and reporting bribery.
- 8.2 Employees and associated persons are encouraged to report any concerns that they may have to the Headteacher or Chief Executive Officer, as soon as possible.
- 8.3 Reports will be thoroughly and promptly investigated by the Trust. Employees and associated persons will be required to assist in any investigation into possible or suspected bribery.

9. Action

- 9.1 The Trust 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. The Trust 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. This may include the termination of the contract 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.
- 9.2 The Trust 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.

The Trust will provide all necessary assistance to the relevant authorities in any subsequent prosecution.

10. Review of procedures and training

10.1 The Trust will regularly communicate its anti-bribery measures to employees and associated persons and will set up training sessions where applicable. The Headteacher and Chief Executive Officer is responsible for the implementation of this policy.

10.2 The Headteacher and Chief Executive Officer 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. Named Person Responsible for Anti-Bribery Actions

11.1 The Chief Executive Officer is the named person responsible for over-seeing all anti- bribery actions within the Trust

12. Information on Anti-Bribery

12.1 The Trust should ensure information is available to all employees who may potentially be involved in situations where bribery could occur. The information should make clear to employees what is, and what is not, acceptable and how to act in a situation where bribery is attempted.

13. Review of policy

13.1 This policy is reviewed every three years by the Board of Trustees. We will monitor the application and outcomes of this policy to ensure it is working effectively.