

# Kernow Learning

Building Excellent Schools Together



Anti-bribery, Gifts and Hospitality

Policy

October 2020

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**Kernow Learning is committed to providing a healthy working environment and improving the quality of working lives for all staff.**

**Kernow Learning’s Wellbeing Strategy aims to ensure that our values are embedded in everything we do as a Trust, and that staff are recognised as our greatest asset.**

**The Chartered Institute of Personnel and Development (CIPD) define wellbeing as:**

**‘Creating an environment to promote a state of contentment which allows an employee to flourish and achieve their full potential for the benefit of themselves and their organisation.’**

**Kernow Learning Trustees expect all staff to promote a culture of wellbeing. They are committed to the integration of its Wellbeing Strategy in all work activities, policies and practices, so that a positive environment can be created that is compatible with promoting staff engagement, performance and achievement.**

**In this, and all of Kernow Learning’s policies, staff can expect to be treated in line with Kernow Learning’s values and with due regard to their wellbeing.**

## **1 Introduction**

We are committed to the highest standards of ethical conduct and integrity in the work we do. We are also committed to preventing and prohibiting bribery, in accordance with the Bribery Act 2010. Kernow Learning 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 of Kernow Learning is committed to implementing effective measures to prevent, monitor and eliminate bribery.

## **2 Scope of this policy**

This policy applies to anyone working for us or on our behalf, including all our 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.

We may face criminal liability for unlawful actions taken by our 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 Kernow Learning.

Employees are also required to comply with the Speak up policy, available on the employee pages of the Trust's website.

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 our reputation and standin



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?**

A criminal offence will be committed under the Bribery Act 2010 if an employee or associated person acting for, or on behalf of Kernow Learning:

- 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)
- failure to prevent bribery

And:

- Kernow Learning does not have the defence that it has adequate procedures in place to prevent bribery by its employees or associated persons.

### **4 What is prohibited?**

Kernow Learning 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. 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 Kernow Learning 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.

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**

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.

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 Kernow Learning procurement procedures.

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 Corporate entertainment, gifts, hospitality and promotional expenditure

Kernow Learning permits corporate entertainment, gifts, hospitality and promotional expenditure that is undertaken:

- for the purpose of establishing or maintaining good business relationships
- to improve our image and reputation
- to present our services effectively

provided that it is:

- arranged in good faith, and
- not offered, promised or accepted to secure an advantage for Kernow Learning or any of its employees or associated persons or to influence the impartiality of the recipient.

We will authorise only reasonable, appropriate and proportionate entertainment and promotional expenditure.

### Procedure

Employees and, where relevant, associated persons should submit requests for proposed hospitality and promotional expenditure well in advance of proposed dates to the Financial Leads.

Employees are required to set out in writing:

- the objective of the proposed client entertainment or expenditure;
- the identity of those who will be attending;
- the organisation that they represent; and
- details and rationale of the proposed activity.

We will only approve business entertainment proposals if they demonstrate a clear business objective and are appropriate for the nature of the business relationship. Kernow Learning will not approve business entertainment where we consider 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).

Any gifts, rewards or entertainment received or offered from clients, public officials, suppliers or other business contacts should be reported immediately to Kernow Learning's Group Accountant. 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.

If an employee or associated person wishes to provide gifts to suppliers, clients or other business contacts, prior written approval from the Kernow Learning's Group Accountant 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 £50 per recipient.

Employees and, where applicable, associated persons must supply records and receipts, in accordance with the Kernow Learning expenses policy.



## **7 Risk management**

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

Kernow Learning 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**

We depend on all of our employees and associated persons to ensure that the highest standards of ethical conduct are maintained in all our business dealings. Employees and associated persons are requested to assist the trust and to remain vigilant in preventing, detecting and reporting bribery.

Employees and associated persons are encouraged to report any concerns that they may have to Kernow Learning's Deputy CEO/CEO as soon as possible.

Reports will be thoroughly and promptly investigated by Kernow Learning. Employees and associated persons will be required to assist in any investigation into possible or suspected bribery.

## **9 Action**

Kernow Learning 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.

Kernow Learning will invoke its disciplinary procedures where any employee is suspected of bribery, and proven allegations may result in a finding of gross misconduct and summary dismissal. Kernow Learning may terminate the contracts of any associated persons, including consultants or other workers who act for, or on behalf of, Kernow Learning who are found to have breached this policy.

Kernow Learning 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. Kernow Learning will provide all necessary assistance to the relevant authorities in any subsequent prosecution.

## **10 Review of procedures and training**

Kernow Learning will regularly communicate its anti-bribery measures to employees and associated persons and will set up training sessions where applicable. Kernow Learning is responsible for the implementation of this policy.



Kernow Learning's Finance lead 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 Review of policy**

This policy is reviewed every 12 months by Kernow Learning. We will monitor the application and outcomes of this policy to ensure it is working effectively.

#### **12 Named Person Responsible for anti-bribery actions**

Kernow Learning will nominate a named person responsible for over-seeing all anti-bribery actions.

#### **13 Information on Anti-Bribery**

Kernow Learning 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.

#### **14 Adherence**

Kernow Learning will ensure we adhere to relevant guidance contained in the Academies Financial Handbook. We will regularly monitor and update the policy in accordance with changes within the Handbook.

Date reviewed: September 2020

Date of next review: September 2022 or In line with legislation and changes to AFH



## DECLARATION OF GIFTS / HOSPITALITY or Received)

(Offered

As per the Anti-Bribery and Corruption Policy, you are not required to record gifts from parents or pupils which are below £20. These are the only gifts that can be accepted without approval as per the terms of the Policy.

Please complete the form below which should be signed. You must disclose the gift/ hospitality and have signed approval before accepting on this form.

A copy of this declaration should be retained and recorded in the Register of Gifts and Hospitality at your school, and a signed copy sent to Kernow Learning's Finance Department (finance@kernowlearning.co.uk)

Date of Offer of Gift/Hospitality: _____	Estimated Value: _____
Individual/Organisation making offer of Gift/Hospitality: _____	
Details: _____	

Name: _____	School _____
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Reason for Gift/Hospitality: _____	
Gift/Hospitality Accepted: Yes/No _____	Signature (Employee): _____

Signature: \_\_\_\_\_ (See below)

School staff signed by : Headteacher  
Headteachers signed by : DCEO ( Operations)  
Deputy CEO's signed by : CEO/Trust Chair  
CEO's signed by : CEO/Trust Chair

