



# Anti-Bribery and Corruption Policy

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| Version       | 1                 |
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| Reviewed by   | Andrew Green      |
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## **Aims of the policy**

The Anti-Bribery and Corruption (ABC) Policy is in place to protect individuals associated with Elizabeth School of London and the organisation itself from any accusation of improper conduct. The Policy also aims to provide information on the legal obligations concerning individuals and organisations.

The ABC Policy articulates the ESL's anti-bribery stance, in compliance with the Bribery Act 2010, and seeks to ensure there is a practical and realistic means of achieving the stated policy objectives across all ESL activities to create an anti-bribery culture.

As the ESL has significant amounts of overseas activities, including marketing, recruitment, and students, the risks around bribery may be higher than other organisations that only operate within the UK. The ABC Policy informs members of the ESL on specific bribery risks and provides clarity on responsibilities.

## **Application of the policy**

This Policy applies to all staff of the ESL, as well as partners and third parties acting with and/or on the ESL's behalf (this includes, but is not limited to: agents, consultants, contractors, suppliers, subsidiaries and joint venture partners both in the UK and overseas). For completeness, the principles outlined in the ABC Policy cover temporary workers and voluntary workers if they are acting on behalf of ESL. The ABC Policy applies to all of the ESL's activities worldwide, whatever the local law, practice or custom may be. Where there is a conflict between the Policy and local customs and practices, the ABC Policy should take precedence.

## **Policy Statement**

- As a part of the ESL goals and Social Responsibility, we are committed to ensuring high standards of ethics and values. The same high values applied to every branch of operations and every individual.
- It is ESL policy to conduct all of its business in an honest and ethical manner. We take a zero-tolerance approach to bribery and corruption and are committed to acting professionally, fairly and with integrity in all our business dealings and relationships wherever we operate and implementing and enforcing effective systems to counter bribery and corruption.
- We will uphold all laws relevant to countering bribery and corruption in all the jurisdictions in which we operate. However, we remain bound by the laws of the UK, including the Bribery Act 2010, in respect of our conduct both at home and abroad.
- The purpose of this policy is to:
  - set out our responsibilities, and of those working for us, in observing and upholding our position on bribery and corruption; and
  - provide information and guidance to those working for us on how to recognise and deal with bribery and corruption issues.
- In the UK, bribery and corruption are punishable for individuals by up to ten years' imprisonment and, if we are found to have taken part in bribery and/or corruption, we could face an unlimited fine, be excluded from tendering for public contracts and face damage to our reputation. We therefore take our legal responsibilities very seriously.

## Definition of Bribery

Bribery is offering a financial, material or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so, in order to gain an advantage, whether personal or commercial.

Bribery undermines democracy and the rule of law and poses very serious threats to sustained economic progress in developing and emerging economies and to the proper operation of free markets more generally. The victims of bribery are law-abiding organisations and the wider victims are government and society.

By rejecting bribery, the ESL will maintain its reputation and business partner confidence, as well as contributing to collective action against bribery in the sector.

## Definition of Corruption

Giving or obtaining advantage through illegal or dishonest behaviour, or through means which are inconsistent with one's duty or the rights of others.

## Criminal Offence and consequences

The Bribery Act 2010 makes it a criminal offence to:

- engage with active bribery (the offence of offering to bribe another) *give a bribe, or agree to give a bribe in the UK or overseas;*
- engage with passive bribery (the offence of accepting or requesting a bribe);
- bribe a foreign public official in order to gain an advantage, which includes anyone in a legislative, administrative or judicial position, elected or appointed, anyone who performs a public function and any official or a public international organisation;
- fail to prevent bribery (the offence by a commercial organisation, including a university, of failure to prevent bribery by any person associated with it) i.e. failing to prevent an employee, agent or intermediary from paying a bribe for the organisation's benefit, even if the organisation is unaware of the bribe being paid.

A Bribery conviction could compromise the career of an individual. The maximum prison sentence is 10 years for individuals who commit such offences. Organisations are liable to an unlimited fine.

## Examples of bribery

There are many names for a bribe, some of which could include: facilitation or grease payments, kick-backs, backhander, it may, on occasion, be disguised through invoicing as 'commission', 'local tax' or described as a sweetener. Bribes can take the form of financial, material or other advantage, including but not limited to: money, entertaining, gifts, holidays, schooling and employment. Some examples of bribery include:

- bribery to gain any advantage over a competitor;
- bribery in order to secure or keep a contract, including bribery of a local, national or foreign official;
- bribery to a public official in order to expedite an administrative process;
- bribery to secure an order;
- bribery taken to use a particular supplier;
- bribery to turn a 'blind eye' to a health/safety issue.

Bribery takes many forms and is not tolerated by the ESL. For example, it is unacceptable for you, or someone on your behalf:

- to give, agree to give or offer a payment, gift or hospitality in the UK or overseas, where you expect a personal or business advantage, or to reward an advantage that has already been given;
- to give, agree to give or offer a payment, gift or hospitality in the UK or overseas to a public official in order to gain an advantage (see above section on criminal offences), or to reward an advantage that has already been given;
- to accept a payment, gift or hospitality in the UK or overseas from someone if you know or suspect that it is offered with the view to obtaining a personal or business advantage provided to them by the ESL in return;
- to turn a 'blind eye' to any of the above
- to engage in any activity that might lead to a breach of the ABC Policy

Information on legitimate business expenditure and guidance on Gifts and Hospitality are outlined in the Financial Regulations.

## Responsibilities

The ESL management is responsible for ensuring that the appropriate policies and procedures are in place, in line with the requirements of the government.

The committee will:

- make information available to all staff, partners and third parties, in all regions in which it operates, whether in the UK or overseas, on the policy and procedures around bribery and corruption;
- maintain procedures for the delegation of authority and the avoidance of conflicts of interest;
- as detailed in the Financial Regulations, include in its contracts with third parties appropriate clauses about the consequences of fraud, bribery and money laundering, including summary termination of the contract in the event of such malpractice being discovered;
- make available to all staff information on reporting suspected bribery via the Raising Serious Concerns and Disclosing Public Interest Matters (Whistle blowing) policy;
- make training available to staff members at a higher risk of encountering bribery scenarios and work with partners as appropriate to support their training needs;
- establish and disseminate a clear process and appropriate standards for hospitality, gifts and promotional or other similar expenditure;
- undertake periodic review of processes and policies to ensure appropriateness with the ABC Policy.

Employees will be expected to:

- read, understand and comply with the ESL's ABC Policy, at all times and in all locations both in the UK and overseas where ESL business is conducted, in order to meet all legal and regulatory requirements;
- where required, undertake appropriate training;
- report information in line with the gifts and hospitality and facilitation payments guidance in the ESL's Financial Regulations and the ABC Policy;
- be aware of their personal responsibilities and to adhere to this and other relevant policies, including the Financial Regulations at all times;
- follow the Ethical Gifts Policy if engaged in fundraising activities on the ESL's behalf;
- raise concerns as soon as possible, in line with the ABC Policy and the Raising Serious Concerns and Disclosing Public Interest Matters (Whistle blowing) policy.

Partners working with the ESL and third parties acting on behalf of the ESL will be expected to:

- read, understand and comply with the ESL's ABC Policy, in order to enable the ESL to meet all

legal and regulatory requirements, both in its UK and overseas activities.

### **Staff members at a higher risk of encountering bribery scenarios**

There are staff groups who are potentially at higher risk of encountering bribery scenarios:

- decision makers in the college, including but not limited to, senior management and Committee members;
- those that undertake overseas travel to countries who are perceived to have medium to high levels of public sector corruption (see the [Corruption Perceptions Index](#) by Transparency International);
- those who work closely with UK or overseas partners or joint ventures (the establishment and management of relationships);
- those who work with overseas agents and brokers, particularly where student enrolment is involved;
- those involved in the procurement and/or tendering process;
- those with interactions with UK or foreign public officials;
- those who work with charitable/philanthropic donations, both in the UK and overseas;
- those involved in staff and student recruitment process, both in the UK and overseas.

### **Partners and third parties at higher risk of encountering bribery scenarios**

The same principles as set out above apply to partners and third parties, particularly those working in countries who are perceived to have medium to high levels of public sector corruption (see the [Corruption Perceptions Index](#) by Transparency International).

### **Raising a concern**

If you suspect that there is an instance of bribery or corrupt activities occurring in relation to business conducted by ESL, you must raise your concerns as soon as possible. If you are unsure if the instance constitutes as bribery, consult this Policy and speak to your line manager if this is appropriate in the first instance, or you may informally discuss with the Director of Strategic Planning and Development, MD A A Faruki Appi : [info@elizabethschool.com](mailto:info@elizabethschool.com)

For more information on reporting any suspected bribery concern or other serious matter, please consult the Raising Serious Concerns and Disclosing Public Interest Matters (Whistle blowing) Policy.

Bribery is considered as a serious offence and should it occur, for which the ESL will take firm action accordingly and as previously outlined.

## Response to legislation

The Ministry of Justice has issued guidance on how organisations should respond to the legislation within the Bribery Act 2010. The guidance, available on the [government website](#), emphasises that organisations should take a proportionate approach to implementing procedures to prevent bribery based on risk, and recommends six principles of compliance. These principles provide the ESL's high-level actions in response to the requirements of the Bribery Act. The ESL has undertaken, and will undertake, the following actions:

| <b>Principles</b>                | <b>ESL response/outcome</b>   |
|----------------------------------|---|
| Proportionate procedures:        | Use of guidance developed specifically for the Education sector and ESL. Action plan details review of relevant procedures.   |
| Top-level commitment:<br>General | ABC Policy approved by Committee . Supported by Finance and Purposes Committee and Audit Committee and reviewed on a periodic basis.  |
| Risk assessment:                 | Identification of potential higher risk activities and implementation of enhanced monitoring and support if required.   |
| Due diligence:                   | Requirement to assess on-going and new activities, and the use of third parties and implement enhanced controls if required.  |
| Communication and training:      | Dissemination of policy and associated procedures to all ESL staff, partners and third parties acting on its behalf, both in the UK and overseas. Enhanced training in areas assessed as higher risk. |
| Monitoring and review:           | Regular review and identification of high risk areas and monitoring of transactions and associated controls. Financial monitoring and internal control.   |