



**CREATIVE** Education Provision

# IWYS Alternative Provision Anti- Bribery Policy

# ANTI-BRIBERY POLICY

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## Introduction

The Bribery Act became law on 1 July 2011. It replaces what are collectively known as the Prevention of Corruption Acts 1889 to 1916. It is designed to address bribery and corruption in the public and private sectors and will mean that any incorporated organisation, potentially including schools could be liable to severe penalties if they fail to implement adequate procedures to prevent bribes being paid or received on their behalf.

There are four key offences under the Act

- Section 1 Bribing another person
- Section 2 Taking a bribe
- Section 6 Bribing a foreign public official
- Section 7 Failing to prevent bribery.

The Bribery Act applies to all staff in the organisation. An organisation may be guilty of bribery even if only the individual offender knew of the bribery.

The Bribery Act introduces serious penalties such as unlimited fines for organisations and up to a maximum jail term of 10 years for the individuals involved.

Organisations will have a defence against prosecution if they can demonstrate that they had “adequate procedures in place to prevent bribery”.

Bribery is a serious criminal offence and IWYS Alternative Provision does not and will not, pay bribes or offer improper inducement to anyone for any purpose. Equally the IWYS Alternative Provision does not and will not accept any bribes or improper inducements.

## Definition of Bribery

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

## Objective of the Anti-Bribery Policy

The objective of the policy is to provide a coherent and consistent approach to ensuring compliance with the Bribery Act. It will enable all employees and any person who performs services for and on behalf of IWYS Alternative Provision, (this could include contractors and subcontractors) to understand their responsibilities and allow them to take the necessary action, for example reporting any potential breaches of the policy.

The IWYS Alternative Provision is committed to countering bribery and corruption in all forms and will not tolerate it in any of its activities.

The IWYS Alternative Provision requires that all staff and all working or performing any service on or on behalf of IWYS Alternative Provision neither accept nor give bribes. Staff must:

- Act honestly with integrity at all times to safeguard IWYS Alternative Provision resources for which they are responsible.
- Comply with the law (both in spirit and in the letter)
- Abide by this policy.

## Scope of the Policy

The policy applies to all of IWYS Alternative Provision activities including its work with strategic partners, third parties, suppliers, and others.

## Ownership of the Policy

The policy applies equally to all staff, regardless of grade whether permanently employed, temporary agency staff, contractors, agents, volunteers and consultants.

The Directors will own the policy, thereby ensuring that there is commitment at the highest level.

## Anti Bribery Policy

It is unacceptable to:

- Give, promise to give, or offer payment, gifts or hospitality with the expectation or hope that a favourable advantage will be received, or to reward a favourable advantage already given.
- Give, promise to give, or offer payment, gifts or hospitality to a government official, agent or representative to “facilitate” or expedite a routine procedure.
- Accept payment from a third party that is offered with the expectation that it will obtain a favourable advantage for them, whether known or suspected.

- Accept a gift or hospitality from a third party if it is offered or provided with an expectation that a favourable advantage will be provided by IWYS Alternative Provision in return, whether known or suspected.
- Retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy.
- Engage in activity in breach of this policy.

## Related Policies

The anti-bribery policy must be considered alongside the following policies which collectively set out IWYS Alternative Provision approach to reducing bribery risks:

- Gifts and Hospitality
- Anti-Fraud and Corruption Policy
- Code of Conduct for staff
- Recruitment and Disciplinary Procedures

Staff Responsibilities and all those working or performing any service on or behalf of IWYS Alternative Provision. Prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for IWYS Alternative Provision or under its control. All staff including third parties working or performing any service on or behalf of IWYS Alternative Provision are to avoid activity that breaches this policy, and must:

- Ensure that they read, understand and comply with the policy
- Raise concerns as soon as possible if they suspect that this policy has been breached.

## Adequate Procedures

The procedures need to be applied proportionately based on the level of risk of bribery IWYS Alternative Provision

Adequate procedures cover:

### 1. Risk Assessment

That IWYS Alternative Provision assesses the nature and extent of its exposure to potential bribery from inside and outside. IWYS Alternative Provision should know who it is doing business with and whether this has risk implications.

### 2. Top Level Commitment

That the Head of provision is committed to preventing bribery. That there is a clear statement that bribery is not acceptable. That the anti-bribery policy is clearly communicated to all staff and partners of IWYS Alternative Provision.

### **3. Due Diligence**

That IWYS Alternative Provision has policies in place and is aware of who it does business with. IWYS Alternative Provision is confident that its business relationships are transparent and ethical.

### **4. Clear, practical, and accessible policies and procedures**

That IWYS Alternative Provision policies and procedures to prevent bribery being committed on its behalf are clear, practical, accessible and enforceable.

### **5. Effective Implementation**

The anti-bribery policy and procedures are embedded throughout IWYS Alternative Provision. This means that the anti-bribery statements are embedded in the recruitment, retention, and operational policies and in training programmes.

### **6. Monitoring and Review**

That the IWYS Alternative Provision reviews its policies and procedures on a regular basis to ensure that there is compliance. Ultimately, whether procedures are adequate is for the courts to decide on a case by case basis.

### **Monitoring and Review of the Implementation of the Anti Bribery Policy**

In the first instance, Directors will meet to review the implementation of the policy and then will review compliance with the policy.

### **Reporting to the Police; Sanctions and Redress**

Staff who breach this policy face the possibility of civil and criminal prosecution. They also face disciplinary action, which could result in dismissal for gross misconduct.

The Head of provision in consultation with the Section 151 Officer, and, if an employee is involved, will decide whether any matter is referred to the police for further investigation and follow the reporting processes set out in the School's Employee Code of Conduct.

GDPR stipulates that Anti-bribery is personal/ sensitive data. IWYS Alternative Provision provides Data Subjects (individuals to whom "personal data" relate) with a right to data held about themselves, including those obtained by means of this report. Requests for Data Subject Access should be made to our data protection officer Jordan Baines ([jordan.baines@iwys.co.uk](mailto:jordan.baines@iwys.co.uk)) or the Head of provision ([charmaine@iwys.co.uk](mailto:charmaine@iwys.co.uk))