



## Anti-Bribery Policy

Independent Co-educational Day School for Pupils aged 3 to 18 years and Boarding School for Pupils aged 13 to 18 years



## Anti-Bribery Policy

### 1. Introduction

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

The Bribery Act 2010 identifies four categories of offence as follows:

- > Offering, promising or giving a bribe.
- > Requesting, agreeing to receive or accepting a bribe.
- > Bribing a foreign public official to obtain or retain business.
- > Failing to prevent bribery.

The potential consequences of being convicted of a Bribery Act offence include criminal penalties for both individuals (up to ten years in prison or an unlimited fine) and the Mill Hill School Foundation (unlimited fine).

### 2. Statement

The Court of Governors of the Mill Hill School Foundation [the 'Court'] recognises its duties under the Bribery Act 2010 and prohibits the offering, the giving, the solicitation or the acceptance of a bribe or improper inducement, whether cash or other inducement, to or from any person or company wherever they are situated, in order to gain personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual. The Court is committed to the prevention, deterrence and detection of bribery and will inform the Police and any other relevant body of any bribe or improper inducement of which it may become aware by any individual, employee, agent or other person acting on behalf of the Mill Hill School Foundation [the 'Foundation'].

### 3. Scope, aims and commitment

This Policy has been authorised by the Court. It is addressed to all employees (whether employed full-time or part-time, temporary, contracted or a volunteer) [the 'employees'] working at the Foundation, to the Governors and to those persons associated with the Foundation (such as agents and other representatives, suppliers and contractors) [the 'Associated Persons'].

This Policy provides guidance for employees, Governors and Associated Persons in the prevention of bribery when acting in the course of their employment. This Policy applies to all the Foundation's activities.

This Policy is to be read in conjunction with Foundation and School Policies and employment documents, including the following:

- > An employee's contract of employment
- > The Policy to Safeguard and Promote the Welfare of Children who are pupils at the School
- > Admissions Policy
- > Bursary Policy
- > Recruitment, Selection and Disclosure Policy and Procedure
- > Reference Policy
- > Purchase Control Procedures, including for procurement, tendering and contracts
- > Expenses Claim Guidance
- > Reimbursement or payment of mandatory professional renewable qualifications
- > Gifts Guidance

The aims of this policy are to:

- > set out a clear anti-bribery policy
- > make all employees, Governors and Associated Persons aware of their responsibilities to comply with this Policy to prevent bribery.

To this end the Foundation is committed to:

- > provide training for all employees and Governors to enable them to recognise and avoid the use of bribery by themselves and others.
- > encourage Foundation employees, Governors and Associated Persons to be vigilant and report any suspicion of bribery, providing them with suitable channels of communication and ensuring that sensitive information is treated appropriately.
- > rigorously investigate instances of alleged bribery and assist the Police and other appropriate authorities in any subsequent external investigation and resulting prosecution.
- > take firm and vigorous action against any individual(s) involved in bribery.

The Foundation requires its employees, Governors and Associated Persons to:

- > read, understand and comply with this Policy.
- > act honestly and with integrity at all times and to safeguard the Foundation's resources for which they are responsible.
- > avoid activity that breaches this Policy.



An employee in breach of this Policy will face disciplinary action in accordance with the Disciplinary Procedure and which may result in summary dismissal for gross misconduct; as well as facing possible civil and/or criminal prosecution.

An Associated Person in breach of this Policy who commits a bribery related offence or causes the Foundation to commit a bribery related offence will have their contract with the Foundation terminated.

#### **4. Compliance Manager**

The Compliance Manager has overall responsibility for the Foundation's Bribery Act compliance, including the implementation of anti-bribery measures and the investigation of alleged bribery.

Employees, Governors and Associated Persons should seek advice from the Compliance Manager in the first instance if they have any questions or concerns with regard to this Policy or its interpretation. The Compliance Manager will treat any questions or concerns raised with him/her on a confidential basis unless a breach of this Policy has been committed.

#### **5. Gifts**

This Policy does not prohibit Foundation employees from accepting normal and appropriate gifts, such as those given to a teacher by a pupil or parent as a thank you for providing extra tuition or other support.

A gift above the value of £100 arising from or connected with your employment must not be accepted without first notifying the Head or Director of Finance, as appropriate, [the 'Head'] and completing the Gift Declaration form attached at Annex A to this policy. If, in the reasonable opinion of the Head, acceptance of the gift is inappropriate you must take steps in line with the guidance.

The giving of a gift of modest value bearing the name or insignia of the Foundation, such as pens, calendars, diaries etc, or the receipt of such a modest value gift bearing the name or insignia of the organisation giving them is considered acceptable.

If an employee is in doubt as to whether a potential act, invitation or gift constitutes bribery, then he/she should seek guidance from the Head.

#### **6. Hospitality and entertainment**

Normal and appropriate hospitality is considered an accepted part of Foundation practice, such as the provision of lunch to prospective pupils and parents. However, lavish corporate hospitality, such as restaurant meals, tickets to sporting events, foreign travel invitations and costly presents, provided by the Foundation may be an offence under the Bribery Act 2010 if it is used to secure an advantage.

The acceptance by an employee of lavish hospitality provided by a parent or external body may constitute a bribe or improper inducement. An employee who is invited to what he/she considers may be regarded as lavish hospitality or entertainment must not accept the invitation without first notifying the Head and specifying the nature of the gift and the circumstance in which it is being offered. If, in the reasonable opinion of the Head, acceptance of the invitation is inappropriate you must decline it.

#### **7. Discounts for goods and services**

Discounts for goods or services offered by a supplier of goods or services to the Foundation must not be accepted by an employee as a personal benefit. All discounts from suppliers for orders made by Purchase Orders or on other contract agreements are acceptable provided that the Foundation itself receives the discount.

#### **8. Bursary or Scholarship Award**

The Foundation will determine a bursary award in accordance with the objective criteria set out in the Bursary Policy. The Foundation will determine a scholarship award in accordance with the objective criteria set out on the School website.

#### **9. Overseas pupil recruitment Agents/Agencies**

The Foundation does not permit a payment or other inducement other than that in accordance with the contract for service with that agent/agency to be made to an agent/agency overseas acting on the Foundation's behalf in the recruitment of pupils.

#### **10. Foreign Officials**

The Foundation does not permit a payment or other inducement to be made to a Foreign official to facilitate personal benefit of its employees or pupils when abroad unless the payment is a written legal requirement.

#### **11. Register of Gifts and Benefits, including hospitality and entertainment**

The Court has determined to maintain a Register of Gifts and benefits given and received with a value in excess of £100

An employee or Governor or Associated Person who is offered a gift or benefit which has a value in excess of £100, including hospitality or entertainment, must not accept the gift or benefit without first notifying the Head, and completing the Gift Declaration form as attached at Annex A..



The Register of Gifts will be reviewed by the Nominations and Governance Committee annually on behalf of the Court of Governors as part of the monitoring process of the policy and its effectiveness (see Paragraph 13 below).

By resolution of the Nomination and Governance Committee of the Court of Governors

Signed .....

### 12. Raising a concern or “Whistleblowing”

All employees, Governors and Associated Persons have a responsibility to assist the Foundation in the prevention of bribery and to report any concern relating to a suspected instance of bribery or other inappropriate inducement. The Foundation is committed to providing employees, Governors and Associated Persons with a confidential and safe process for reporting any suspicion of bribery or inappropriate inducement or suspicious activity.

Date .....

**Chairman of the Nomination and Governance Committee of the Court of Governors**

Concerns or suspicions should be reported to the Compliance Manager who will treat this as confidential in the first instance. He/She will as soon as possible undertake an informal investigation to evaluate the report or concern and determine whether or not it may be resolved internally through the Disciplinary Process or reported to the Police or other external authority.

The Governors are committed to ensuring that nobody suffers detrimental treatment through refusing to accept or offer a bribe or other inducement, or because of reporting a concern or reasonable suspicion in good faith.

### 13. Monitoring

The Court has delegated the monitoring of this Policy and the effectiveness of its procedures to the Nominations and Governance Sub-Committee of the Court of Governors. Any deficiency that is noted in the Policy and its procedures will be remedied as soon as is reasonably practicable. The Nominations and Governance Committee will undertake a triennial review of this Policy.

### 14. Business activities risk assessments

Risk assessments on the Foundation’s business activities are a continual exercise and periodical reviews of these risk assessments will be undertaken by the Compliance Manager in consultation with the Heads and Director of Finance and Operations. These reviews will form part of the normal auditing procedures of the operation of the Foundation and when it does business in a different way or changes its business procedures.

## Annex A:

### Mill Hill School Foundation Guidance and Process on Gifts February 2017

#### Introduction

It is relatively common from time to time for teachers and Heads to receive gifts from parents to thank them for the care and teaching that has been provided to their child.

The value, timing and motivation of gift giving can vary however and this guidance sets out a framework within which Foundation staff should work so that:

- > There is clarity on the process to follow in the event that you receive a gift
- > That the Foundation can log gifts received, ensure there is no conflict caused in accepting the gift and that anti-bribery rules are followed
- > That there is a clear process to follow in the event that the gift can't be received by the intended recipient
- > That the gift giver is appropriately thanked and understands the situation in the event that a gift can't be kept.

#### Anti- bribery Policy

The Foundation's anti-bribery policy has a short section on the receiving of gifts. Para 5 of the policy is as follows:

#### 5. Gifts

*This Policy does not prohibit Foundation employees from accepting normal and appropriate gifts, such as those given to a teacher by a pupil or parent as a thank you for providing extra tuition or other support.*

*A gift above the value of £100 arising from or connected with your employment must not be accepted without first notifying the Head and specifying the nature of the gift and the circumstance in which it is being offered. If, in the reasonable opinion of the Head, acceptance of the gift is inappropriate you must decline it.*

*The giving of a gift of modest value bearing the name or insignia of the Foundation, such as pens, calendars, diaries etc, or the receipt of such a modest value gift bearing the name or insignia of the organisation is considered acceptable.*

*If an employee is in doubt as to whether a potential act, invitation or gift constitutes bribery, then he/she should seek guidance from the Head.*

This guidance seeks to build on this short statement, and especially clarifies what to do if the value of the gift is more than £100 or if there are concerns about whether the gift can be kept.

#### Gift Value

A) If the gift value is **less than £100** and you are not concerned about the circumstances surrounding the gift then you can accept the gift and thank the giver. There is no need to contact the Head or DFO and you don't need to fill in the gift declaration form. If you have concerns about the circumstances and would like advice, please contact HR and they will indicate whether you should inform the Head.

B) If the gift value is **more than £100** but less than £300 you must inform the Head by completing and emailing the form attached to this document. They will assess the situation on the basis of the information you provide and in consultation with HR or the Director of Finance and Operations. In the event that the gift is from an existing parent or pupil you will normally be able to accept the gift and thank the giver. If it is from a new or prospective parent, supplier or person with other connections to the Foundation, it might not be possible to accept the gift.

C) If the gift value is **more than £300** you must inform the Head by completing and emailing the form attached to this document. They will assess the situation on the basis of the information you provide and in consultation with HR or the Director of Finance and Operations. The particular details of the case will be carefully considered and if you are unable to personally accept the gift, you will be supported in communicating this to the giver.

#### Circumstances of Gift Giving

Normally, gifts are given to mark happy occasions and to demonstrate thanks for a job well done. We think this is a positive experience for all involved and provided the gift is modest and given for an appropriate reason then we will be pleased that you can accept the gift. The section above covers gift value which is relatively easy to assess. The circumstances surrounding the gift giving are more difficult to plan for but just as important to evaluate.

It is impossible to write guidance that will cover every circumstance of gift giving so if in doubt, please contact HR for advice. Ultimately, the question to ask is whether any real or perceived conflict of interest could arise as a result of you accepting the gift? Could others claim that you or the Foundation behaved differently as a result of accepting the gift?





## Gifts that can't be kept

The vast majority of gifts that can't be kept will have been given with honest intentions so the key concern is to avoid embarrassment or offence in explaining why the gift can't be kept and in agreeing how the gift will be managed.

What is appropriate for each circumstance will differ however as broad guidance, our experience is that the following approach may be a sensible basis to work from.

- > Explain why the gift can't be kept by the individual
- > Outline that in previous circumstances the charitable beneficiaries (e.g. bursary students) of the Foundation have benefited from fundraising as a result of these gifts. For example, the ABC ball could use such a gift as an auction item to raise money to support our bursary programme in assisting a bursary student to go on an overseas trip that they might have not otherwise been able to join. The specific use of the gift that you are able to propose would depend on the opportunities available at the time. The Development Office is likely to be able to indicate what relevant fundraising activities are planned.
- > However you should also offer to return the gift if the individual would prefer this course of action and make arrangements for how best to do this.

## Executive Team

If a gift is received by a member of the executive team, the CEO and DFO would evaluate whether the gift could be received and how to proceed.

If a gift is received by either the CEO or DFO, a Governor member would work with the CEO or DFO (whichever person did not receive the gift) to evaluate whether the gift could be received and how to proceed.



## Gift Declaration Form

A) To be completed by the recipient of the gift.

<b>Your Name and Role</b>	
<b>Name of the Giver of the Gift</b>	
<b>Connection between you, the Foundation and the Giver of the Gift</b>	
<b>Reason for the Gift</b>	
<b>Details of the Gift</b> Include a description of all items comprising the gift and an estimation of their value. Include weblinks if possible.	
<b>Concerns</b> Do you have any concerns relating to the gift?	
<b>Date and circumstances of the Gift Giving</b>	

B) To be completed by the Head or DFO

<b>Head / DFO Name</b>	
<b>Assessment of Total Value and Circumstances</b>	
<b>Assessment of whether a conflict exists and whether gift can be retained</b>	
<b>Next Steps</b>	

Once completed, send the form to HR so the decision and gift can be logged.



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