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Gifts, Hospitality and

Anti-Bribery Policy

#FI13

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**Statement of intent**

Three Counties Academy Trust (TCAT) is committed to maintaining the highest ethical standards and acting with integrity in all business activities. This policy details TCAT and our school’s position on preventing and prohibiting bribery.

Bribery by, or of, employees, agents, consultants, or any person acting on behalf of TCAT will not be tolerated. Executive Leaders are committed to implementing effective measures to prevent, monitor and eliminate bribery.

Bribery and corruption by individuals is punishable by up to 10 years’ imprisonment and TCAT and our schools could face an unlimited fine and serious damage to our reputation; therefore, TCAT takes its legal responsibilities very seriously.

The purpose of this policy is to:

* Establish the responsibilities of TCAT and any TCAT school in observing and upholding our position on bribery and corruption
* Provide information and guidance to all TCAT employees on how to recognise and deal with bribery and corruption concerns
* Ensure TCAT achieves regularity, propriety and value for money in its use of public funds

This policy covers all individuals working for TCAT at all levels, whether permanent, fixed-term or temporary. This includes staff, trustees, governors, volunteers, agents and any other person associated with TCAT or a TCAT school, known throughout the policy as ‘employees’.

This policy and each TCAT school’s Gifts and Hospitality Register outline our procedures on the acceptance of gifts, hospitality, awards, prizes and other benefits that could compromise the judgement or integrity of TCAT, a TCAT school or its employees. All employees will be made aware of this policy.

# Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

* The Bribery Act 2010
* ESFA (2024) ‘Academy trust handbook 2024’

This policy operates in conjunction with the following TCAT and TCAT school policies and documents:

* Gifts and Hospitality Register
* Whistleblowing Policy

# Roles and responsibilities

The Executive Headteacher/CEO will be responsible for:

* In collaboration with the Chief Finance Officer (CFO), approving the offering, giving or accepting of gifts and hospitality in the necessary circumstances, including where they are being offered to employees from pupils and/or parents where values exceed the stated maximums in this policy

The CFO will be responsible for:

* In collaboration with the Executive Headteacher/CEO, approving the offering, giving or accepting of gifts and hospitality in the necessary circumstances and are above the maximum values stated within the policy, including all instances, regardless of value where they are being offered to or accepted from government officials and representatives
* Approving charitable donations offered or made in TCAT or the school’s name
* Recording on their own register, those donations that are approved but above the maximum stated value for any TCAT school, and all donations that relate to TCAT as an entity, and acting in accordance with the provisions of this policy

Headteachers/Heads of School will be responsible for:

* Alerting the Executive Headteacher/CEO and CFO when any donation should be considered before acceptance
* Recording on their own register, those gifts that exceed the maximum stated value and acting in accordance with the provisions of this policy

All employees will be responsible for:

* Following the procedures set out in this policy
* Considering whether gifts and hospitality offered, given or received are appropriate to the circumstances, and reflecting on the intention behind them
* Seeking approval from the Headteacher/Head of School, as appropriate, to offer, give or accept gifts or hospitality in the necessary circumstances that exceed the maximum as set out in this policy
* Registering and documenting any gift or hospitality received in excess of the maximum as set out in the Gift and Hospitality Register, held and maintained by the Headteacher or Head of School, including the date it was received, who it was sent by and the reason it was accepted or rejected
* Reporting instances of known or suspected bribery to the Executive Headteacher/CEO at the earliest opportunity, or, if the suspected bribery relates to the Executive Headteacher/CEO then reporting to the CFO

# Bribery

Under the Bribery Act 2010, a **‘bribe’** is defined as a financial or other type of advantage offered with the intention of inducing or rewarding improper performance of a function or activity, or knowledge or belief that accepting such a reward would constitute the improper performance of such a function or activity.

A criminal offence will be committed under the Act if:

* An employee or associated person acting for, or on behalf of, TCAT or a TCAT school:
  + Offers, promises, gives, requests, receives or agrees to receive bribes
  + Offers, promises or gives a bribe to a public official with the intention of influencing that official in the performance of their duties
* And, in either case, TCAT or the TCAT school does not have the defence that it has adequate procedures in place to prevent bribery

# Acceptable and unacceptable practice

The advice of TCAT is for employees to consider, in all circumstances, whether the gift or hospitality is reasonable and justified and to reflect on the intention behind it.

In line with this policy, it will be unacceptable for employees to:

* Give, promise or offer a payment, gift or hospitality with the expectation or hope that they, TCAT or their school will receive an advantage
* Give, promise or offer a payment, gift or hospitality to reward an advantage they, TCAT or their school have already received
* Give, promise or offer a payment, gift or hospitality to a government official, agent or representative to facilitate or expedite a routine procedure
* Accept payment from a third party if they know or suspect that it is offered with an expectation of a business advantage in return
* Threaten or retaliate against another employee who has refused to commit a bribery offence or who has raised concerns under this policy
* Engage in any activity that may lead to a breach of this policy

This policy will not prohibit normal and appropriate gifts and hospitality, both given and received, if the following requirements are met:

* It is not given with the intention of:
  + Influencing a third party to obtain or retain business or a business advantage
  + Rewarding the provision or retention of business or a business advantage
* It is not given in exchange for favours or benefits
* It is given in TCAT or the school’s name, not in the individual’s name
* It complies with local law
* It does not include cash or a cash equivalent, e.g. vouchers or gift certificates
* It is appropriate in the circumstances, e.g. the giving of small gifts at Christmas
* The type and value of the gift or hospitality is reasonable based on the reason it is offered
* It is given openly, not secretly

Gifts and hospitality should not be offered to, or accepted from, government officials or representatives without the prior approval of the CFO.

# Charitable donations

Charitable donations will be considered part of TCAT’s wider purpose. TCAT and each of our schools will support a number of carefully selected charities and may also support fundraising events involving employees.

TCAT and our schools will only make charitable donations that are legal and ethical. No donation will be offered or made in TCAT or a TCAT school’s name without the prior approval of the CFO.

# Gifts and hospitality to employees from pupils and parents

It will be permissible for employees to accept gifts from pupils and parents in the appropriate circumstances, for example, at Christmas and at the end of the term or academic year.

Employees will be permitted to accept gifts up to a value of £25.00 from individual pupils or parents without approval from the Headteacher or Head of School, provided that these gifts do not satisfy the conditions outlined below. These gifts **do not** need to be recorded in the Gifts and Hospitality Register.

Employees will be permitted to accept gifts up to a value of £50.00 from groups of pupils or parents without approval from the Headteacher/Head of School, provided that these gifts do not satisfy the conditions outlined below. These gifts **do not** need to be recorded in the Gifts and Hospitality Register.

Where the gift or hospitality exceeds the values outlined above, employees will seek prior approval from the Headteacher/Head of School who will refer the instance to the Executive Headteacher/CEO for approval before accepting the offer. Details of the offer will be recorded in line with the ‘Record keeping’ section of this policy.

Before accepting gifts or hospitality from parents and/or pupils, employees will consider the following:

* Whether there is any benefit to TCAT or their school in them accepting the scale, amount, frequency and source of the offer
* The timing of the offer in relation to forthcoming decisions
* Whether accepting the offer could be misinterpreted as a sign of their, TCAT or the school’s, support or favour

Where employees believe the offer may satisfy one of these conditions, they will seek prior approval from the Headteacher/Head of School for sums below the maximum permitted or the Executive Headteacher/CEO for sums in excess of the maximum permittedbefore accepting the offer.

Employees will not accept:

* Cash or monetary gifts, including tokens and gift certificates
* Gifts or hospitality offered to their spouse, partner, family member or friend
* Gifts or hospitality from a potential supplier or tenderer
* Lavish, extravagant or excessive gifts or hospitality
* Gifts or hospitality that they believe to be more than a token of gratitude given at an appropriate time, e.g. at the end of the year

These conditions apply regardless of whether the conditions outlined at the start of this section are met, e.g. monetary gifts will not be accepted even if they are below the value of £25.00.

If a gift meeting the above conditions is offered without warning, the member employee will politely decline the gift. If the employee feels it would be inappropriate to decline the gift, they will refer the matter to the Headteacher/Head of School as soon as possible; the Headteacher/Head of School will then decide on an appropriate course of action as long as the value does not breach the maximum level as defined in this policy. This may include the Headteacher/Head of School deciding to return the gift, asking the Chair of their Local Governing Body for their view, or donating the gift to a charity or other local cause.

If employees are unsure whether to accept a gift in any situation, they will speak to the Executive Headteacher/CEO.

Parents and pupils will be informed of TCAT’s policy regarding gifts and hospitality, and will be encouraged to speak to the Headteacher/Head of School or Executive Headteacher/CEO as appropriate if they want to give an employee a gift which is of high value or may satisfy any of the conditions outlined above.

# Gifts and hospitality to employees from TCAT or their school

TCAT, the TCAT Trust Board or an individual TCAT school may, at the discretion of the Trustees, Executive Headteacher/CEO or Headteacher/Head of School, provide employees with token gifts to reward efforts beyond their duties, e.g. significant contributions towards extracurricular activities. These gifts will be non-monetary, non-alcoholic and cost up to the value of £25.00.

When giving gifts to employees, TCAT will ensure:

* The value of the gift is reasonable
* The gift is within its scheme of delegation
* The decision to give the gift is documented
* The gift achieves propriety and regularity in the use of public funds

The purchasing of excessive or alcoholic gifts is regarded as irregular expenditure; as such, TCAT or a TCAT school will not provide employees with gifts meeting these conditions. Individual school leaders may decide to reward team members from their own personal resources but will refrain from breaking the £25 established maximum except in extreme circumstances.

# Reporting and investigating bribery

Employees will be encouraged to raise concerns about any known or suspected bribery or corruption to the Executive Headteacher/CEO at the earliest possible opportunity. Issues that should be reported include:

* Any suspected or actual attempts at bribery
* Any concerns that an employee may be in receipt of bribes
* Any concerns that an employee may be offering or delivering bribes

Concerns should be reported following the procedure set out in TCATs Whistleblowing Policy.

Reports of known or suspected bribery will be investigated thoroughly and in a timely manner by the Executive Leadership and in the strictest confidence.

Employees who raise concerns in good faith will be supported by TCAT, and TCAT will ensure that they are not subjected to any detrimental treatment as a consequence of their report. Any instances of detrimental treatment against an employee for reporting a suspicion will be treated as a disciplinary offence.

Following investigation, TCAT will invoke disciplinary procedures where any employee is found guilty of bribery; this may result in the finding of gross misconduct and immediate dismissal. TCAT may terminate the contracts of any associated persons, including consultants or other employees acting for, or on behalf of TCAT who are found to have breached this policy.

# Record keeping

TCAT maintains up-to-date financial records and has appropriate internal controls to provide evidence for the business reasons for making payments to third parties. Employees will make the Headteacher or Head of School aware of gifts or hospitality received or offered over the value of £25.00, or over the value of £50.00 if received from multiple donors who in turn will contact the Executive Headteacher/CEO. These gifts and hospitality will be subject to review by the Executive Headteacher/CEO and the CFO.

The Gifts and Hospitality Register is used to record the details of gifts or hospitality that need to be recorded. The following information will be recorded and maintained by each Headteacher or Head of School:

* The nature of the gift or hospitality
* The date the gift or hospitality was offered
* The name of the person or people who offered the gift or hospitality
* The name of the employee the gift or hospitality was offered to
* The value of the gift or hospitality
* The action taken – for example, whether the offer was refused or accepted

Employees’ expenses claims relating to gifts, hospitality or expenses incurred to third parties will be submitted in accordance with the relevant procedures.

Invoices, accounts and related documents will be prepared and maintained with the highest accuracy and completeness. No accounts will be kept “off-book”.

In line with its duties under the ‘Academy trust handbook’, and irrespective of whether ESFA approval is required, TCAT will disclose aggregate figures for transactions of any amount, and separate disclosure for individual transactions above £5,000, in its audited accounts for gifts from TCAT.

# Monitoring and review

This policy will be reviewed in line with the published schedule at the front of this document and at any point material changes require it by the Executive Headteacher/CEO and Chief Finance Officer in conjunction with the Trust Board. Any changes made to the policy will be amended by the Executive Headteacher/CEO and will be communicated to all employees.

The next scheduled review date for this policy is 31st August 2027.

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| --- | --- | --- | --- |
| Signed by: | | | |
|  | Executive Headteacher/CEO | Date: |  |
|  | Chair of the Trust Board | Date: |  |

**Gifts and hospitality register**

It is not uncommon for employees to receive gifts and hospitality from parents, contractors, volunteers and other stakeholders as a gesture of gratitude at times such as Christmas or the end of term. These gifts should not be excessive or high value. Gifts and hospitality that are high in value or excessive may be interpreted as bribery; if this is the case, the school should reject the offering. Bribery and corruption are punishable by up to 10 years’ imprisonment; schools could face an unlimited fine and serious damage to their reputation if found guilty. This register has been created to ensure that all TCAT schools are committed to the highest ethical standards with regard to business activities.

Academies have a specific duty to ensure:

* The value of any gift is reasonable and fits within the scheme of delegation
* The decision to accept or decline the gift is documented
* The acceptance of a gift achieves propriety and regularity in the use of public funds

Academies should ensure they have due regard to the above when completing this register.

TCAT schools can use this template to record the type of gift or hospitality they have received, the date it was received, who sent and received the gift or hospitality and whether it was rejected or accepted – reasons for acceptance or rejection should be noted in the final column along with if this was referred up. This register must be maintained by the Headteacher or Head of School of each TCAT school and made available on request by the Executive Headteacher/CEO, the CFO or any Trustee or Local Governor.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Name of school – Gifts and Hospitality Register** | | | | | | |
| **Date gift or hospitality received** | **Recipient** | **Gifted by** | **Description of gift or hospitality** | **Value** | **Gift or hospitality accepted or declined** | **Reason why/Referred to** |
| 20/10/2024 | Ms Smith | Parent of Herbert Asquith | Champagne | £75 | Accepted  Declined | Value exceeds that permitted by the Gifts, Hospitality and Anti-bribery Policy, referred to Executive Headteacher/CEO. |
|  |  |  |  |  | Accepted  Declined |  |
|  |  |  |  |  | Accepted  Declined |  |
|  |  |  |  |  | Accepted  Declined |  |
|  |  |  |  |  | Accepted  Declined |  |
|  |  |  |  |  | Accepted  Declined |  |