

City Gateway Anti-Bribery Policy

Introduction

1.1 Purpose of Policy

City Gateway is committed to ethical standards of business conduct, and adopts a zero-tolerance approach to bribery and corruption in all jurisdictions. City Gateway will uphold relevant laws for countering bribery and corruption, in particular the Bribery Act 2010. This policy is intended to set out City Gateway's approach to monitoring, identifying and ultimately avoiding incidents and/or risks of bribery.

1.2 Scope

1.2.1 This policy applies to all members of staff, learners, trustees, volunteers, contractors and consultants.

1.2.2 To the fullest extent permissible by law, this policy shall apply in all jurisdictions in which City Gateway operates. Bribery is a criminal offence in most countries and failure to comply with this policy may expose City Gateway, its employees and representatives to the risk of prosecution, as well as to reputational risk and loss of trust.

1.2.3 Countering bribery and corruption and reporting suspected bribery in line with this policy is the responsibility of all those outlined in paragraphs 1.2.1 above.

1.2.4 Breach of this policy may constitute a disciplinary offence for staff and learners and will be subject to investigation under the City Gateway's disciplinary procedures. In the most severe instances this could result in dismissal / exclusion. For other associated persons, breach of this policy may result in other contractual or legal or other sanction. Criminal penalties may also apply (see below).

1.2.5 Individuals found guilty of a bribery offence can face fines or prison sentences of up to ten years.

1.2.6 City Gateway may face unlimited fines if it is found to have "failed to prevent" bribes being made or received by staff or associated persons. This is why this policy extends to individuals and companies who, whilst not directly employed by City Gateway, are acting on its behalf. City Gateway may also find itself excluded from certain public contracts, potentially affecting its income.

2. Policy

2.1 What is bribery?

2.1.1 "Bribery", as defined in the Bribery Act 2010, means:

- Offering, promising or giving a financial or other advantage to another person (either directly or indirectly) with the intent to induce a person to improperly perform a relevant function or activity or to reward a person for the improper performance of a relevant function or activity (*an example could be to offer employers a financial incentive to offer a work placement to learners*); or
- Offering, promising or giving a financial or other advantage to another person (either directly or indirectly) knowing or believing that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity (*an example could be to offer a financial incentive to staff to increase performance figures*); or
- Requesting, agreeing to receive or accepting a financial or other advantage (either directly or indirectly) intending that, in consequence, a relevant function or activity will be improperly performed or as a reward for the improper performance of a relevant function (*an example could be in our pipeline and fundraising efforts*); or
- Requesting, agreeing to receive or accepting a financial or other advantage (either directly or indirectly) where the request, agreement or acceptance itself constitutes the improper performance of a relevant function or activity (*an example could be receiving a financial incentive to disclose information under GDPR legislation*); or
- Offering, promising or giving any financial or other advantage (either directly or indirectly) to a foreign public official with the intention of influencing that official in order to obtain or retain business or other advantage in the conduct of business. This includes the offering, promising or giving of facilitation payments to foreign public officials to speed up administrative processes for which they are responsible (*an example could be to offer a financial incentive to HMI inspectors or government officials to prioritise City Gateway above other organisations*).

2.2 What is not acceptable

2.2.1 It is not acceptable for anyone to whom this policy applies to engage in bribery (whether giving or receiving) as defined in paragraph 2.1 above, or otherwise engage in any activity that might lead to a breach of this policy.

2.2.2 In addition, it is not acceptable for them to fail to report any concerns which are required to be reported under this policy.

2.3 What steps can we take to prevent bribery?

2.3.1 We can take the following steps to assist in the prevention of bribery:

- Risk assessment: Effective risk assessment lies at the very core of the success of this policy. All staff must assess the vulnerability of their activities. Risk identification pinpoints the specific areas in which we face

bribery and corruption risks and allows us to better evaluate and mitigate these risks and thereby protect ourselves.

- Accurate books and record-keeping: Many serious bribery offences have been found to involve some degree of inaccurate record-keeping. Accurate records and financial reporting must be maintained for all activities and for all third party representatives acting on our behalf. False, misleading or inaccurate records of any kind could potentially damage the reputation of City Gateway.
- Effective monitoring and internal control: Effective systems of monitoring and control are essential in all organisations and City Gateway is no exception. Once bribery risks have been identified and highlighted through the risk assessment process, we may need to amend procedures to help mitigate these risks on an on-going basis.
- Standard clauses in contracts: City Gateway includes a standard anti-bribery clause in all relevant contracts to reflect its zero tolerance approach to bribery in the conduct of its business.
- Training: City Gateway provides training in the form of an online Anti-Bribery module and an online Anti-Bribery refresher module which is mandatory for all staff identified as being of higher risk in relation to bribery. This includes all members of SLT and the Board of Trustees.

2.4 What do I do if I suspect bribery?

2.4.1

- Any person who has reason to believe that an irregularity with financial implications for City Gateway has or is about to take place, is required to inform the Head of Finance, Ineta Galdikiene ineta.galdikiene@citygateway.org.uk immediately or a member of SLT in their absence or if the Head of Finance is suspected.
- The Head of Finance or a member of SLT will in turn notify the CEO immediately.
- If it is suspected that the CEO is involved in the irregularity, the matter should be notified to Treasurer of the Board.
- Failure to inform the appropriate person immediately may mean that further losses are incurred or that evidence is lost.

2.5 What if I am worried about reporting?

2.5.1 City Gateway encourages everyone to speak up and report any concerns they may have about bribery activity. This is a key part of the City Gateway's commitment to ethical and legal compliance. City Gateway is committed to ensuring that individuals making reports in good faith do not suffer detriment as a result.

2.5.2 If a person feels they are not able to report their concerns through the route detailed above, they should still consider reporting the by means of City Gateway's Whistleblowing Policy.

2.6 Gifts and Hospitality

2.6.1 No lay member of the governing bodies of City Gateway, in his or her capacity as such, nor employee in the course of his or her employment, may accept any gift or more than nominal value (i.e. greater than £50) otherwise than in the name and for the benefit of City Gateway. Gifts of money should always be refused.

The past, current and prospective suppliers of goods and services to the City Gateway and the purchasers of goods and services from City Gateway may from time to time offer hospitality to employees of City Gateway. Hospitality offered may include meals, accommodation, travel costs, entertainment. Hospitality must not be accepted by employees of City Gateway in circumstances which may allow the employee to appear to be unduly influenced in favour of the provider of the hospitality. Head of Finance shall maintain a register of hospitality received by members of staff and the trustees with an estimated value in excess of £50, which shall record the nature, name of provider and estimated value of the hospitality.

2.6.3 Hospitality can amount to bribery. The key point is the need for great care, transparency and proper processes when dealing with hospitality. This applies equally where hospitality is given (or proposed to be given) as to where it is received (or offered).

2.6.4 There is no “cut off” point at which gifts and hospitality are considered too small to amount to bribery. This is because the purpose behind the hospitality is always important.

2.6.5 The gift or receipt of hospitality which is aimed at securing an improper business or other advantage, or which may affect the recipient’s independence is obviously not permissible under this policy. However, normal and proportionate hospitality given or received as part of City Gateways wider learner, commercial, promotional and marketing activities, which is genuinely aimed at building a good business relationship or improving the profile City Gateway, is allowable.

3. Roles and Responsibilities

3.1 The Board of Trustees has responsibility for ensuring that City Gateway “has a robust and comprehensive system of risk management, control and corporate governance. This should include the prevention and detection of corruption, fraud, bribery and irregularities.” The Board of Trustees has overall responsibility for approving the Anti-Bribery Policy and for ensuring that it complies with City Gateway’s legal and ethical obligations. The CEO and SLT exercises responsibility for the implementation, monitoring and review of the Anti-Bribery Policy, for the periodic review of the organisational risk assessment, and for providing such assurance as the Board requires to discharge its responsibilities.

3.2 The Board of Trustees has established a Finance, Audit and Risk Committee for Financial Probity which is responsible for preparing an annual report to the Board of Trustees on the implementation and monitoring of the Anti-Bribery Policy and its annual review of the associated risk assessment.

Signed: 
Position: CEO
For: City Gateway

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