



# Anti-Bribery, Corruption and Fraud Prevention Policy

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## Introduction

This policy [sets out the responsibilities](#) of Makers and those who work for us in regards to observing and upholding our zero-tolerance position on bribery, fraud and corruption.

It also exists to act as a source of information and guidance for those working for Makers - it helps staff recognise and deal with bribery, fraud and corruption issues as well as understand their responsibilities as employees.

## Policy statement

Makers is committed to conducting business ethically and honestly by implementing and enforcing systems that ensure bribery, fraud and corruption are prevented. Makers have a zero-tolerance for any kind of fraud, bribery and corrupt activities. We are committed to acting professionally, fairly and with integrity in all business dealings and relationships, wherever in the country we operate.

Makers will uphold all laws relating to anti-bribery, fraud and corruption in all the jurisdictions in which we operate. We are bound by the laws of the UK, including the Bribery Act 2010, in regards to our conduct both at home and abroad.

Makers recognise that bribery and corruption are punishable by imprisonment and/or a fine. If our company is discovered to have taken part in corrupt activities, we may be subjected to an unlimited fine, be excluded from tendering for public contracts and face serious damage to our reputation. It is with this in mind, that we commit to preventing bribery and corruption in our business and take our legal responsibilities seriously.

## Scope

This policy applies to all Makers staff (whether temporary, fixed-term, or permanent), consultants, contractors, trainees, seconded staff, home workers, casual workers, agency staff, volunteers, interns, agents, sponsors, or any other person or persons associated with the organisation (including third parties). The policy also applies to officers, trustees, governors, board members, directors and/or committee members at any level.

In the context of this policy, a third party refers to any individual or organisation our company meets and/or works with. It refers to actual and potential clients, customers, suppliers, distributors, business contacts, agents, advisers, government and public bodies – this includes their advisors, representatives and officials, politicians and public parties.

Any arrangements our company makes with a third party are subject to clear contractual terms including specific provisions that require the third party to comply with minimum standards and procedures relating to anti-bribery and corruption.



## Definitions

**Bribery** refers to the act of offering, giving, promising, asking, agreeing, receiving, accepting or soliciting something of value or an advantage to induce or influence an action or decision.

**A bribe** refers to any inducement, reward, or object/item of value offered to another individual to gain commercial, contractual, regulatory or personal advantage.

Bribery is not limited to the act of offering a bribe. If an individual is on the receiving end of a bribe and accepts it, they are also breaking the law. Bribery is illegal.

Makers' staff must not engage in any form of bribery, whether it be directly, passively (as described above) or through a third party (such as an agent or distributor). They must not bribe a foreign public official anywhere in the world. They must not accept bribes to any degree and if they are uncertain about whether something is a bribe or a gift or an act of hospitality they must seek further advice from the Director of Operations or their SMT representative.

**Fraud** is defined broadly for the purposes of this policy to include dishonesty, theft, deliberate damage of assets, deliberate action to harm the interests of Makers Academy and other forms of irregularity together with the statutory definitions of criminal fraud under the Fraud Act 2006, set out below.

The statutory definition of the criminal offence of fraud defines in the following three classes:

- **Fraud by false representation** - where a person makes "any representation as to fact or law, express or implied" which they know to be untrue or misleading. In academia and science, fraud by false representation can refer to the falsifying of research findings which is a form of scientific misconduct;
- **Fraud by failing to disclose information** - where a person fails to disclose any information to a third party when they are under a legal duty to disclose such information; and
- **Fraud by abuse of position** - where a person occupies a position where they are expected to safeguard the financial interests of another person (e.g. Makers Academy), and abuses that position; this includes cases where the abuse consisted of an omission rather than an overt act.

In addition to the three classes mentioned above, the Fraud Act 2006 introduced the following offences:

- Possession of articles for use in fraud
- Making or supplying articles for use in fraud
- Participating in fraudulent trading
- Obtaining services dishonestly



## Acceptable and unacceptable practices

This section of the policy refers to 4 areas:

- Gifts and hospitality
- Facilitation payments
- Political contributions
- Charitable contributions

### Gifts and hospitality

Makers accept normal and appropriate gestures of hospitality and goodwill (whether given to/received from third parties) so long as the giving or receiving of gifts meets the following requirements:

- It is not made to influence the party to whom it is being given, to obtain or reward the retention of a business or a business advantage or as an explicit or implicit exchange for favours or benefits
- It is not made with the suggestion that a return favour is expected
- It complies with local law
- It is given in the name of the company and not in an individual's name
- It does not include cash or a cash equivalent (e.g. a voucher or gift certificate)
- It is appropriate for the circumstances (e.g. giving small gifts around Christmas or as a small thank you to a company for helping with a large project upon completion)
- It is of an appropriate type and value and given at an appropriate time, taking into account the reason for the gift
- It is given/received openly, not secretly
- It is not selectively given to a key, influential person clearly to directly influence them
- It is not above a certain excessive value, as pre-determined by the company's [Director of Operations \(usually over £100\)](#)
- It is not offered to, or accepted from, a government official or representative or politician or political party, without the prior approval of the company's [Director of Operations](#)

Where it is inappropriate to decline the offer of a gift (i.e. when meeting with an individual of a certain religion/culture who may take offence), the gift may be accepted so long as it is declared to the [Director of Operations](#) who will assess the circumstances [on a case by case basis](#).

Makers recognise that the practice of giving and receiving business gifts varies between countries, regions, cultures, and religions so definitions of what is acceptable and not acceptable will inevitably differ for each.

As good practice, gifts given and received should always be disclosed to the [Director of Operations or your SMT representative](#). The [Director of Operations](#) will be responsible for keeping and maintaining a record of reported gifts/hospitality. The intention behind a gift



being given/received should always be considered. If there is any uncertainty, the advice of the Director of Operations should be sought.

## Facilitation payments and kickbacks

Makers do not accept and will not make any form of facilitation payments of any nature. We recognise that facilitation payments are a form of bribery that involves expediting or facilitating the performance of a public official for a routine governmental action. We recognise that they tend to be made by low level officials with the intention of securing or speeding up the performance of a certain duty or action.

Makers do not allow kickbacks to be made or accepted. We recognise that kickbacks are typically made in exchange for a business favour or advantage.

Makers recognise that, despite our strict policy on facilitation payments and kickbacks, employees may face a situation where avoiding a facilitation payment or kickback may put their/their family's personal security at risk. Under these circumstances, the following steps must be taken:

- Keep any amount to the minimum
- Ask for a receipt, detailing the amount and reason for the payment
- Create a record concerning the payment
- Report this incident to your line manager and SMT representative

## Political contributions

Makers will not make donations, whether in cash, kind, or by any other means, to support any political parties or candidates. We recognise this may be perceived as an attempt to gain an improper business advantage.

## Charitable contributions

Makers accept (and encourage) the act of donating to charities – whether through services, knowledge, time, or direct financial contributions (cash or otherwise) – and agrees to disclose all charitable contributions it makes.

Employees must be careful to ensure that charitable contributions are not used to facilitate and conceal acts of bribery.

We will ensure that all charitable donations made are legal and ethical under local laws and practices and that donations are not offered/made without the approval of the [Director of Operations and SMT](#).



## Employee responsibilities

As an employee of Makers you must ensure that you read, understand and comply with the information contained in this policy and with any training or other anti-bribery and corruption information you are given.

All employees and those under our control are equally responsible for the prevention, detection and reporting of bribery, fraud and other forms of corruption. They are required to avoid any activities that could lead to, or imply, a breach of this policy.

If you have reason to believe or suspect that an instance of bribery, fraud or corruption has occurred or will occur in the future that breaches this policy you must notify your manager and/or a member of the Senior Management Team.

If any employee breaches this policy they will face disciplinary action and could face dismissal for gross misconduct in line with our disciplinary policy. Makers have the right to terminate a contractual relationship with an employee and/or supplier if they breach this policy.

## Raising a concern

This section of the policy covers 3 areas:

- How to raise a concern.
- What to do if you are a victim of bribery or corruption.
- Protection

This section of the policy should be read in conjunction with our whistleblowing policy.

### How to raise a concern

If you suspect that there is an instance of bribery or corrupt activities occurring in relation to Makers you are encouraged to raise your concerns as soon as possible. If you're uncertain about whether a certain action or behaviour can be considered bribery, fraud or corruption, you should speak to your manager, the Operations team or your SMT representative.

Makers will familiarise all employees with its whistleblowing procedures so employees can vocalise their concerns swiftly and confidentially.

### What to do if you are a victim of bribery or corruption

You must tell your line manager as soon as possible if you are offered a bribe by anyone, if you are asked to make one, if you suspect that you may be bribed or asked to make a bribe in the near future or if you have reason to believe that you are a victim of another corrupt activity.



## Protection

If you refuse to accept or offer a bribe or you report a concern relating to potential act(s) of bribery, fraud or corruption, Makers understand that you may feel worried about potential repercussions. Makers will support anyone who raises concerns in good faith under this policy even if the investigation finds that they were mistaken.

Makers will ensure that individuals do not suffer any detrimental treatment as a result of refusing to accept or offer a bribe or other corrupt activities or because they reported a concern relating to potential act(s) of bribery, fraud or corruption.

Detrimental treatment refers to dismissal, disciplinary action, or unfavourable treatment in relation to the concern the individual raised.

If you have reason to believe you've been subjected to unjust treatment as a result of a concern or refusal to accept a bribe you should inform your line manager or a member of the Operations Team immediately. More information can be found in our workplace concerns policy.

## Training and communication

Makers will provide training on this policy as part of the induction process for all new employees. Employees will also receive regular, relevant training on how to adhere to this policy, and will be asked annually to formally accept that they will comply with this policy.

Makers' anti-bribery, corruption and fraud prevention policy and zero-tolerance attitude will be clearly communicated to all suppliers, contractors, business partners, any third parties at the outset of business relations and as appropriate thereafter.

Makers will provide relevant anti-bribery, fraud prevention and corruption training to employees where we feel their knowledge of how to comply with the Bribery and/or Fraud Act needs to be enhanced.

## Record keeping

Makers will keep detailed and accurate financial records and will have appropriate, internal controls in place to act as evidence for all payments made. We will declare and keep a written record of the amount and reason for hospitality or gifts accepted/given and understand that gifts and acts of hospitality are subject to managerial review.

## Monitoring and review

Internal control systems and procedures designed to prevent bribery and corruption are subject to regular audits to ensure that they are effective in practice. A detailed Root Cause Analysis may be undertaken following a serious case of bribery and/or corruption.



Any need for improvements will be applied as soon as possible. Employees are encouraged to offer their feedback on this policy if they have any suggestions for how it may be improved. Feedback of this nature should be addressed to the compliance manager.

This policy does not form part of an employee's contract of employment and Makers may amend it at any time so as to improve its effectiveness in combating bribery, fraud and corruption.

This policy will be updated annually or in line with changes to legislation or processes.

**Last updated: 30th March 2022**





## Version Control

Version #	Date	Updated by	Description
V1_2	22/01/19	Chloe Thornton	Amendments to overall structure/layout of policy Added definitions of bribery and corruption (s1.1) Changed references to 'college' to 'company' Changed references to 'director' to 'leadership team' Added responsibilities (s5)
V1_3	15/03/2019	Chloe Thornton	Amendments to incorporate existing finance policy on bribery and corruption.
V1_4	12/08/2020	Chloe Thornton	Merged Fraud prevention into anti-bribery policy. Policy renamed. References to the 'leadership team' changed to SMT.
V1_5	17/09/2021	Danny Maxwell	No changes made as of the time of review. Attention has been drawn to the training section of this policy due to the potential implementation of anti-bribery training for all staff through iHasco.
V1_6	30/03/2022	Chloe Thornton	Reformatted to new style policy - minor grammatical changes & references to director of operations added