

ANTI-BRIBERY AND CORRUPTION POLICY

Version control

Date	Action	Next review
	New policy	
	Policy reviewed and approved by Board	

1. Introduction

- 1.1** This policy establishes Cresconova Academy’s commitment to conducting its operations with integrity, transparency, and compliance with all applicable laws on bribery and corruption. It provides guidance for trustees, staff, volunteers, contractors, and any persons acting on behalf of the charity.
- 1.2** As part of Cresconova Academy’s culture of compliance, we always operate openly and transparently and do not seek to exercise improper influence on any individual or entity.

2. Purpose

- 2.1** The purpose of this policy is to prevent bribery and corruption connected to Cresconova Academy by providing information and guidance on how to recognise, escalate, manage and remove bribery risk. This policy also provides specific guidance on when giving or receiving gifts or hospitality to/from Third Parties and Public Officials is and is not permissible.
- 2.2** Cresconova Academy complies with domestic and international anti-bribery and corruption laws, including but not limited to the UK Bribery Act 2010 (“**UK Bribery Act**”) and the US Foreign Corrupt Practices Act 1977 (“**FCPA**”).

3. Scope

- 3.1** This policy applies to all activities undertaken by Cresconova Academy, including interactions with suppliers, partners, donors, government agencies, beneficiaries, and other third parties. It applies to all Cresconova Academy staff, volunteers, Trustees and

contractors, working at all roles and levels, whether permanent, fixed term or temporary (collectively, “**you**”).

3.2 In this policy, a “**Third Party**” is any individual or organisation you may come into contact with in the course of working for Cresconova Academy or through involvement with Cresconova Academy. This includes actual and potential customers, suppliers, distributors, banks, business contacts, introducers, referrers, agents and advisors. However, it does not include Public Officials, which are defined separately below.

3.3 In this Policy, “**Public Official**” refers to a broad category of people who are either directly or indirectly involved with a government or public body. This may include:

- 3.3.1** Employees of government departments or agencies;
- 3.3.2** People acting in an official capacity on behalf of a government department or agency;
- 3.3.3** Members of the legislature;
- 3.3.4** Judges, state prosecutors or other members of the judiciary;
- 3.3.5** Senior military officers;
- 3.3.6** Candidates for political office;
- 3.3.7** Employees of a company or enterprise that is partially owned by the state;
- 3.3.8** Officers or employees of public international bodies.

4. Where does this Policy apply?

4.1 This Policy applies in all countries or territories where Cresconova Academy operates. Where local customs, standards, laws or other regulations apply that are stricter than the provisions of this Policy, the stricter rules must be complied with. However, if this Policy contains stricter rules than local custom, standards, laws or other local regulations, the stricter provisions of this Policy apply.

5. What is bribery?

5.1 A bribe is the offer, requesting or receipt of anything of value intended to cause the recipient to perform his or her duties improperly. This need not be cash or be paid directly, but could be an opportunity, employed position, unpaid internship, information, favour, gift, hospitality, act or omission, or delay in act or omission. Bribes can also be paid to related parties, e.g.: family members.

5.2 A bribe also occurs when a person offers a gift or hospitality to a Third Party while knowing or believing that the Third Party is not allowed to receive the gift or hospitality, e.g: because the Third Party is restricted by a relevant procurement or anti-corruption policy.

5.3 You should note the following:

- 5.3.1 An offer or request is sufficient for a bribe to occur, and no actual transfer of value is required;
- 5.3.2 Bribes can be paid indirectly to their intended recipient through the recipient's family members, friends, business associates or other contacts;
- 5.3.3 A bribe can take the form of a reward and transfer can take place at a later date to the improper performance of duties;
- 5.3.4 There is no minimum value for a bribe and all bribes, however small, are covered by this Policy.

6. Policy Requirements

- 6.1 The charity strictly prohibits bribery, corruption, facilitation payments, kickbacks, secret commissions, or any act intended to improperly influence a person to secure an advantage.
- 6.2 You must not under any circumstances offer or promise a Third Party or Public Official anything of value with the intention that they perform their duties improperly as a result of receiving it. This is bribery and is a serious criminal offence.
- 6.3 You must also not offer or promise a Third Party or Public Official anything of value while knowing or having reasonable grounds to believe that accepting it would be a breach of their duties.
- 6.4 You must not accept anything offered or promised to you if you believe (or you think others could believe) the offeror wants you to perform your duties improperly in return. If such a situation arises you should report the offer or promise to the Legal Advisor immediately.
- 6.5 Intentions are assessed objectively on the basis of the full context of the situation. If you offer, promise or give something of value to a Third Party or Public Official without a reasonable justification, this will be considered a potential bribe for the purpose of this Policy, regardless of what you claim your intentions to have been.
- 6.6 If you ever have any doubt about whether a situation could constitute a bribe or involve bribery you should always speak with your line manager and/or the Legal Advisor before proceeding.

7. Small Bribes

- 7.1 Exposure to requests for small bribes from Public Officials or other Third Parties is often unavoidable in many higher-risk jurisdictions. Such bribes can seem harmless when paid as a 'one-off', but in aggregate they significantly increase costs, cause delays and uncertainty, disadvantage the communities of those receiving bribes and give rise to prosecutions.

- 7.2 “Facilitation Payments”**, also sometimes known as “grease payments”, are a subset of small bribes that typically involve small, unofficial payments made to secure or speed up a routine action by a Public Official to which the payer is entitled. Examples include payment to speed up the issue of a visa, to obtain an official stamp or signature on a document, or to jump a queue.
- 7.3** Cresconova Academy does not make, and will not accept or permit, small bribes of any kind, including Facilitation Payments. You should be under no doubt that while in some countries the culture of small bribes may be normal, they are unequivocally illegal and prohibited by this Policy.
- 7.4** If you are asked to make a Facilitation Payment, you should refuse and report the incident to the Legal Advisor, where it will be treated in confidence.
- 7.5** An introducer fee arrangement (sometimes referred to as a referral agreement, commission agreement, or finder’s fee agreement) is an agreement that introduces potential individuals to Cresconova Academy in return for a commission. An introducer fee arrangement that has been approved by the Legal Advisor will not constitute a Facilitation Payment for the purposes of this Policy. However if approval from the Legal Advisor has not been sought and provided in advance, the payment pursuant to such an introducer fee arrangement presents the risk of characterisation as a Facilitation Payment. Therefore, approval from the Legal Advisor should always be sought for any introducer fee arrangements being considered.

8. Gifts and Hospitality

- 8.1** For the purpose of this Policy, a “**gift**” is anything of value that is provided from one person to another where the recipient enjoys the gift’s value without the giver being present. This may include, but is not limited to, physical items such as watches, pens, jewellery or food and drink products, and also items such as tickets to theatre, sporting or music events, meals, stays at hotels or holidays, where the giver is not themselves in attendance.
- 8.2 “Hospitality”**, also known as “**Entertainment**”, refers to anything of value that is provided from one person to another where the giver is present and interacting with the recipient throughout. This includes, but is not limited to, meals, drinks in bars, sporting events, theatre, music, conferences, training or tours, where the giver or their representative is present throughout.
- 8.3** Cresconova Academy recognises that giving and receiving reasonable and proportionate gifts/hospitality for proper business purposes is an established and important part of doing business. However, giving and receiving gifts/hospitality involves the transfer of items of value, which creates a bribery risk if not done appropriately and transparently.

8.4 In particular, extra care must be taken when spending on Public Officials, as laws and regulations for dealing with them can vary from place to place and are often stricter than the rules that apply to commercial Third Parties.

8.5 You may give or receive a gift/hospitality only when all of the following conditions are met:

The gift/hospitality is:	The gift/hospitality is <u>not</u> :
<ul style="list-style-type: none"> • For a genuine business purpose • Given or received openly and transparently • Proportionate, modest in value and not lavish • In compliance with the rules of the giver/receiver’s organisation • Legal under local laws and regulations • For hospitality provided by Cresconova, the host from Cresconova is present 	<ul style="list-style-type: none"> • Cash or cash equivalent (e.g. gift vouchers or a loan) • Given or received frequently between the same individuals • Given with the intention that a business advantage will be received or to reward a business advantage already given • Accepted in the belief that it was offered with an expectation or receiving a business advantage in return • Given or received when engaged in a bidding process • In its appearance (objectively) a bribe • Sexual in nature or otherwise damaging to Cresconova’s reputation

8.6 Provided that all the conditions in section 8.5 are met, you may give or receive gifts up to the total values shown in the table below without prior approval:

	Third Parties	Public Officials
Gifts	GBP 50	GBP 20
Entertainment	GBP 75	GBP 50

8.7 You must consider the aggregate spend on a single recipient by others within Cresconova. If a number of other people have recently given gifts/hospitality to a Third Party or Public Official, it may not be appropriate for you to do so as well, even when the gift/hospitality is of modest value and within the approval threshold. Likewise, if you have given a number of gifts to a single recipient over time (e.g. spreading the cost of gifts/hospitality), you must

be mindful of the aggregate value of these gifts. Deliberately giving many gifts (or instances of hospitality) to a single recipient that respectively fall just short of the permitted thresholds in clause 8.6 is not within the spirit of this policy and is prohibited. You should consult with the Legal Advisor if in doubt on this point.

- 8.8** Giving or accepting any gift/hospitality of an aggregate/total value greater than the amounts in section 8.6 must be pre-approved by the Legal Advisor. Aggregate spend will be monitored. You must inform the Legal Advisor by email of the exact or estimated value of the gift/hospitality, its business purpose, the details of the giver/recipient, and why a gift/hospitality of a value below the approval threshold is not appropriate in this case.
- 8.9** On some occasions you may be offered a gift/hospitality of a value greater than the approval amount in circumstances where it would be rude or culturally inappropriate to refuse. In such circumstances you may accept the gift, but must immediately report it to the Legal Advisor for guidance and recording.
- 8.10** In circumstances where you have received a gift with an estimated value above the approval threshold, the Legal Advisor will decide what to do with it. This may involve you keeping the gift, returning the gift to the giver, donating the gift to charity, or sharing the gift for the collective benefit of Cresconova Academy.
- 8.11** You should be aware that under the UK Bribery Act it is a criminal offence to offer a gift/hospitality to a Third Party in the knowledge or belief that it would be a breach of the policies of that Third Party's organisation if s/he accepts it. This offence is potentially punishable by up to 10 years' imprisonment and/or an unlimited fine. If you have this knowledge or belief, you must not offer a Third Party a gift/hospitality under any circumstances.

9. Recording gifts and hospitality

- 9.1** Any gifts or hospitality that you give or receive which exceed the price values within this policy must be properly recorded in Cresconova's Gifts and Hospitality Register (the "**Register**"). When the giver or recipient is a Public Official, this must be clearly noted in the Register.
- 9.2** The Register will be maintained by the Legal Advisor, who is responsible for recording the details of applicable gifts/hospitality once they have been approved.

10. Political contributions, charitable donations and sponsorships

- 10.1** Cresconova does not make any political contributions (whether of money, property, materials or services) to political candidates, parties, committees or their representatives, and we do not participate in any intervention in the political process of the UK or anywhere else where we do business. You may choose personally to become involved in political

activities as long as these are undertaken on your own behalf, in your own time, and using your own resources.

11. Policy circumvention

11.1 You must not, under any circumstances, attempt to circumvent the requirements of this policy in order to pay bribes. Examples of circumvention include, but are not limited to:

11.1.1 Creating complex payment or transaction structures to conceal bribes;

11.1.2 Channelling bribes through Third Parties;

11.1.3 Manipulating, falsifying or overpaying invoices in order to channel bribes;

11.1.4 Manifestly exploiting or abusing the gifts and hospitality approval thresholds, e.g. by giving multiple gifts of a value just below the threshold;

11.1.5 Using reciprocal arrangements to pay bribes.

11.2 Any attempt to circumvent this policy will be treated as seriously as direct payment of a bribe, and may result in consequences up to and including immediate termination of employment and possible notification of the police.

12. Roles and Responsibilities

12.1 The board of trustees has overall oversight of anti-bribery controls and ensures periodic review. The Chief Creative Officer or designated compliance officer is responsible for day-to-day monitoring, investigating reports of potential bribery, and maintaining records of incidents, approvals, and training. All staff and volunteers must report suspicions or evidence of bribery without fear of reprisal.

12.2 You must ensure that you read, understand and comply with this policy and attend all mandatory training in relation to it.

12.3 Cresconova Academy takes breaches of this policy very seriously and these may have consequences up to and including immediate termination of employment and possible notification of the police. Cresconova also reserves the right to seek to terminate any contractual relationship with other parties, such as workers, consultants or agents, if they breach this policy. Any significant suspected breach will be reported to the Charity Commission for England and Wales as a Serious Incident.

13. Raising concerns

13.1 If you believe that the requirements of this policy are not being complied with then we encourage you to raise your concern to your line manager or the Legal Advisor as soon as possible.

13.2 All concerns raised in good faith will be treated appropriately and confidentially, and you will not face any form of penalty or retaliation for raising such concerns, even if they turn out to be factually incorrect.

14. Miscellaneous

- 14.1** This policy does not form part of any of Cresconova Employees' contract of employment and may be amended at any time.
- 14.2** This policy will be made available in hard copy at Cresconova's offices and in digital copy on Cresconova's sharepoint.