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Anti-Bribery and Anti-Corruption Policy

Metanoia Institute

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1. Purpose

- 1.1 The Anti-Bribery and Anti-Corruption Policy identifies the principles and mandates control standards in relation to bribery and corruption risks and the risks associated with criminal behaviour by employees or workers carrying out activity on behalf of the Metanoia Institute (“the Institute”).

2. Scope

- 2.1 This policy applies to all persons working for or with the Institute or on the Institute’s behalf in any capacity, including, but not limited to, employees at all levels, casual workers, directors, officers or members of the governing bodies or any other person associated with the Institute, wherever located in the UK or abroad.
- 2.2 Breach of this policy may constitute a disciplinary offence for staff and will be subject to investigation under the Institutes Disciplinary Procedures for Staff.

3. Definitions

- 3.1 The following terms used in this policy shall have the following meanings:

- (a) “The Institute” means Metanoia Institute
- (b) “Employee” means: - Temporary, fixed term or permanent employees (at all levels) - Consultants - Contractors - Trainees - Seconded staff - Home workers - Casual workers - Agency staff - Volunteers - Interns - Agents - Sponsors of the Institute no matter where they are located;
- (c) “Trustee” means any officer, trustee, member of the Board of Trustees
- (d) “Third Party” means: - Any individual or organisation that the Institute comes into contact with and/or works with - Actual and Potential clients, customers or suppliers, distributors, business contracts, agents, advisors and government and public bodies in including their advisors, representatives and officials - Politicians and public parties
- (e) “Foreign Public Official” has the same meaning as detailed in s6 of the Bribery Act 2010 and in addition to including members of foreign governments also includes people such as state sector education employees e.g. teachers, police and customs officials and providers of visas.

4. What Constitutes Bribery and Corruption?

4.1 The Bribery Act 2010 came into force on 1 July 2011 and created several new bribery and corruption offences.

4.2 Bribery is offering, promising, giving or accepting any financial or other advantage, to induce the recipient or any other person to act improperly in the performance of their functions, or to reward them for acting improperly, or where the recipient would act improperly by accepting the advantage.

4.3 An advantage includes money, gifts, loans, fees, hospitality, services, discounts, the award of a contract or anything else of value.

4.4 A person acts improperly where they act illegally, unethically, or contrary to an expectation of good faith or impartiality, or where they abuse a position of trust. The improper acts may be in relation to any business or professional activities, public functions, acts in the course of employment, or other activities by or on behalf of any organisation of any kind.

4.5 Corruption is the abuse of entrusted power or position for private gain.

4.6 Extortion or blackmail do not fall within the scope of the Bribery Act 2010 and are separate criminal offences. Being extorted or blackmailed do not amount to bribery and any individuals who are concerned that they are being extorted or blackmailed should raise their concerns through the Whistleblowing Procedure. It is not acceptable for Employees, Trustees or any Third Party (or someone on your behalf) to:

- (a) give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- (b) give or accept a gift or hospitality during any commercial negotiations or tender process, if this could be perceived as intended or likely to influence the outcome;
- (c) accept a payment, gift or hospitality from a Third Party that you know or suspect is offered with the expectation that it we will provide a business advantage for them or anyone else in return;
- (d) accept hospitality from a Third Party that is unduly lavish or extravagant under the circumstances;
- (e) offer or accept a gift to or from government officials or representatives, or politicians or political parties;

- (f) threaten or retaliate against another individual who has refused to commit a bribery offence or who has raised concerns under the Anti-Bribery and Anti-Corruption Policy; or
- (g) engage in any other activity that might lead to a breach of the Anti-Bribery and Anti-Corruption Policy.

5. Facilitation Payments and Kickbacks.

5.1 The Institute does not permit the offer, promise or the making of a facilitation payment or "kickbacks" of any kind by any Employee, Trustee or Third Party carrying out business on our behalf. Facilitation payments are also known as "back-handers" or "grease payments".

5.2 Whilst these are not common in the UK, in some countries it is sometimes a requirement to have to make payments or gifts of small value to junior government officials in order to speed up or facilitate a routine action or process. Such payments are unlawful under the Bribery Act 2010 and as such must not be made.

5.3 In addition, all Employees and Trustees should avoid any activity that may lead to receipt of a facilitation payment or kickback, or that may suggest that a facilitation payment or kickback will be made by the Institute.

5.4 If you are asked to make a payment on behalf of the Institute, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided. You should always ask for a receipt which details the reason for the payment.

5.5 If you have any suspicions, concerns or queries regarding a payment, you should raise these with the Secretary to the Board of Trustees or Finance Director, or CEO.

6. Gifts and Hospitality

6.1 The Institute accepts that reasonable and appropriate gestures of hospitality and goodwill (whether given to/received from Third Parties) may be undertaken for the purposes of:

- (a) establishing or maintaining good business relationships;
- (b) improving or maintaining our image or reputation; or
- (c) marketing or presenting our products and/or services effectively.

6.2 The giving and accepting of gifts is allowed if the following requirements are met:

- (a) it is not made with the intention of influencing 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;
- (b) it is not made with the suggestion that a return favour is expected;
- (c) it is in compliance with local law;
- (d) it is given in the Institute's name, not in an individual's name;
- (e) it does not include cash or a cash equivalent (e.g. a voucher or gift certificate);
- (f) it is appropriate for the circumstances (e.g. giving small gifts around Christmas or as a small thank you to a business partner for helping with a large project upon completion);
- (g) it is of an appropriate type and value and given at an appropriate time, taking into account the reason for the gift and is not in excess of £50;
- (h) it is given /received openly, not secretly;
- (i) it is not selectively given to a key, influential person, clearly with the intention of directly influencing them; and
- (j) It is not offered to, or accepted from, a government official, Foreign Government Official, or representative or political party, without the prior approval of the CEO & Chair of Board. Promotional gifts of low value such as branded stationery to or from existing customers, suppliers and business partners will usually be acceptable.

6.3 Reimbursing a Third Party's expenses or accepting an offer to reimburse expenses (for example, the costs of attending a business meeting) would not usually amount to bribery. However, a payment in excess of genuine and reasonable business expenses (such as the cost of an extended hotel stay) is not acceptable. It is appreciated that practice varies between countries and regions and what may be normal and acceptable in one region may not be in another. The test to be applied is whether in all the circumstances the gift, hospitality or payment is reasonable and justifiable. The intention behind it should always be considered.

7. Gifts and Hospitality Reporting Procedure

7.1 All gifts and/or hospitality should be reported to the individual's line manager, who must keep a record of all gifts as this information may be subject to audit. Any gifts

and/or hospitality over the value of £50 must also be reported to the Secretary to the Board of Trustees.

7.2 The Secretary shall maintain a central register. It is at the discretion of the authorised signatory (i.e. the individual's line manager) whether the individual may keep the gift.

7.3 Gifts under the value of £50 shall normally be allowed to be retained by the individual, subject to line-manager approval. Gifts over the value of £100 shall not normally be retained by the individual and require dual authorisation from the individual's line manager and CEO.

7.4 Presents and donations to a Faculty/School or Professional Service area (e.g. equipment, furniture, paintings, art works) for activities carried out by that unit should be reported, and if retained in the Faculty/course team or Professional Service area, should be stored/used/displayed in an appropriate part of the unit.

7.5 It is at the discretion of the authorised signatory whether the gift may be kept by the Institute.

7.6 If a gift is received which in the particular circumstances cannot practically be refused or returned, but which should not be retained in accordance with this Policy, the gift shall be deposited with the Secretary to the Board of Trustees who shall dispose of it as thought fit.

7.7 Where there is doubt about whether an offer of a gift or corporate hospitality should be accepted, advice should be sought from the line manager or, in their absence, from the Secretary to the Board of Trustees.

7.8 Promotional gifts of low value such as branded stationery to or from existing customers, suppliers and business partners will usually be acceptable.

7.9 Reimbursing a Third Party's expenses or accepting an offer to reimburse our expenses (for example, the costs of attending a business meeting) would not usually amount to bribery.

7.10 However, a payment in excess of genuine and reasonable business expenses (such as the cost of an extended hotel stay) is not acceptable. It is appreciated that practice varies between countries and regions and what may be normal and acceptable in one region may not be in another.

7.11 The test to be applied is whether in all the circumstances the gift, hospitality or payment is reasonable and justifiable. The intention behind it should always be

considered. The provision of any gifts or hospitality where it is felt that there might be perceived to be a suspicion of dishonesty or a suggestion that decision making may have been influenced, must be declared. Any gifts or hospitality offered where it is felt that there might be perceived to be a suspicion of dishonesty or a suggestion that decision-making may have been influenced, must be declared, irrespective of value.

8. Action to Prevent Bribery and Corruption.

8.1 Commitment: The Board and the Executive are committed to supporting activity which prevents bribery and corruption.

8.2 Risk Assessment and due diligence: where there are activities that constitute a risk (for example, trans-national partnerships and agents) there must be appropriate risk assessment and a thorough due diligence process.

8.3 Contracts: all contracts with agents, academic partners or where there is some element of risk must include provisions requiring their adherence to UK anti-bribery law.

8.4 Accurate Books and 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 the Institute.

8.5 Conflict of interest declarations: the Institute requires appropriate declarations of interest by Institute staff, including the declaration of major gifts and hospitality.

8.6 Training and communication: The policy is made available to all staff. All staff are required to undertake training on the anti-bribery during their first three months at the Institute.

9. Governance and Review

9.1 The Board of Trustees has overall responsibility for the implementation, monitoring and review of the Anti-Bribery Policy. This is overseen through the Audit and Risk Committee.

9.2 The Executive exercises responsibility for the implementation of this policy through monitoring and review.

9.3 The Head of Governance and Compliance is responsible for maintaining the policy framework (including any policies relating to declarations of interest).

9.4 The People and Culture function is responsible for ensuring that contracts include reference to anti-bribery and for the provision of appropriate staff training.

9.5 The Director of Finance is responsible for ensuring accurate financial records and reporting and that there are appropriate provisions in the Financial Regulations to cover expenses, gifts and hospitality.

9.6 The Executive are responsible for ensuring that:

- staff are aware of and implement the policy and declare any interests, gifts or donations
- staff follow the Financial Regulations
- appropriate arrangements are in place for due diligence when working with agents, contractor's and academic partners.

9.7 The Policy will be subject to review every three years at a minimum, and more frequently if required.