

National Film and Television School (the “School”) Anti-Bribery Policy

1. Introduction

The Bribery Act 2010 (“Act”) replaces a number of older laws and creates a single comprehensive code in relation to Bribery and Corruption. The Act creates new offences and places responsibility on organisations as well as the individual. The Act has a wide geographical reach and potentially covers acts in any country in the world. The Act also covers the acts of agents, associates or other third parties acting on behalf of the organisation. The penalties are severe, with potentially unlimited fines and the possibility of imprisonment up to a maximum of 10 years for individuals, as well as unlimited fines for organisations.

The Act creates two new offences:

- **Bribing a foreign official**

A person is guilty of the offence if his/her intention is to influence the official in the official’s capacity as a foreign public official. Foreign public officials include government officials, civil servants, those working for state-owned (and sometimes state-related) entities and those working for international organisations. The offence does not cover accepting bribes, only offering, promising or giving bribes. It does not matter whether the offer, promise or gift is made directly to the official or through a third party.

- **Failing to prevent bribery**

The Act introduces a new offence for commercial organisations of failing to prevent bribery by persons associated with them. This is committed where a person associated with the organisation commits an act of corruption with the intention of obtaining or retaining business or of obtaining or retaining an advantage in the conduct of business. A person is deemed to be “associated” if he or she performs services for, or on behalf of, the company or partnership, without regard to whether the person is an employee, agent or subsidiary company. There is a statutory defence if the organisation can show that it had in place “adequate procedures” designed to prevent bribery.

The Act creates four offences:

- Promising or offering a bribe;
- Requesting, agreeing to receive or accepting a bribe;
- Bribing a foreign public official; and
- A corporate offence of “failure to prevent bribery” by “persons associated” with an organisation.

The first three offences above may be committed by individuals or organisations, but the fourth offence can only be committed by an organisation.

A traditional definition of bribery is the receiving or offering of undue reward by or to any person whatsoever (whether in a public office, a private employee, colleague or representative of another organisation) in order to influence his/her behaviour and to incline them to act contrary to known rules of honesty and integrity. The bribe does not need to be paid or given to the actual person who is acting contrary to such rules of honesty and integrity.

2. Policy Statement

This School Anti-bribery Policy (“Anti-bribery Policy”) applies to all employees, directors, officers and others acting on behalf of the School or of any subsidiary or associated companies (“Staff”). The Anti-bribery Policy also covers third parties such as agency workers, consultants, sub-contractors and others working for, or on behalf of, the School irrespective of their location, function or grade. For the purposes of this Anti-bribery Policy, references to Staff shall be deemed to include any third parties to the extent that such third parties are working for, or on behalf of, the School.

The School does not wish to stifle the development of good working relationships with suppliers, agents, contractors or officials; however, all actions must be transparent, proportionate and auditable. The School expects our business partners, agents, suppliers and contractors to act with integrity and to take no actions, which may be considered as an offence within the meaning of the Act.

Staff must not:

- Offer or make a bribe, unauthorised payment or inducement of any kind to anyone;
- Solicit business by offering a bribe, unauthorised payment or inducement to a third party;
- Accept any kind of bribe, unauthorised payment or inducement.

Staff must:

- Refuse, in a clear manner that could not lead to any misunderstanding, any offer of a bribe or an inducement or unauthorised payment that is offered;
- Report all such offers received under the School Public Interest Disclosure and Whistleblowing Policy;
- Report all perceived or potential breaches of this Anti-bribery Policy to either the School's Director of Curriculum and Registrar or the Deputy Chair of Governors.

3. Hospitality and Gifts

The occasional exchange of business gifts, non-extravagant meals or low-level entertainment is a common practice and is meant to create goodwill and enhance relationships. However, if the giving or receipt of business courtesies becomes excessive, it can create a sense of personal obligation on the part of the recipient. Such sense of obligation can interfere with the individual's ability to be impartial in the transaction.

Staff may accept business courtesies, but such courtesies must be modest and infrequent enough not to interfere with the ethical judgement of the member of staff and must not create an appearance of impropriety. Corporate hospitality and gifts (whether received or provided) must be transparent, auditable and proportionate and therefore must be declared to the NFTS Personnel Officer so they can be recorded in the Hospitality Register.

If a gift or hospitality is not reasonable in the circumstances, then every effort must be made to refuse the offer without offending the person or organisation making the offer. In the unlikely event that the gift cannot be refused, it should be immediately declared on return to the School in the hospitality register held by the Personnel Officer. Any gift or hospitality received or given must not have any influence or intention to influence the party receiving the gift or hospitality.

In no circumstances must any gift of money be made or received by an official of the School.

4. Reporting

The School takes compliance with the Act very seriously and any known or perceived breach of either the Anti-bribery Policy or the Act should be reported immediately to the Director of Curriculum and Registrar or the Chair

of the Audit Committee under the procedures outlined in the NFTS Public Interest Disclosure and Whistleblowing Policy. Any breach of the procedure, policy or law may be treated as a disciplinary offence and may result in dismissal following investigation.

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