



## ANTI-BRIBERY AND CORRUPTION POLICY

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### 1. OVERVIEW

- 1.1. The School is committed to fair and equitable business practices and expects compliant and ethical behavior by all its Staff, Volunteers and Business Associates acting for or on behalf of the School.
- 1.2. Violating applicable anti-corruption laws potentially exposes the School and its governors and employees to significant criminal and civil liability, fines and penalties.
- 1.3. This Anti-Bribery and Corruption Policy ("the Policy") outlines and explains the prohibitions against bribery and corruption in all of the School's operations, highlights the specific compliance requirements relating to these prohibitions, and reinforces the School's commitment to conducting business with the highest level of honesty and integrity.

### 2. POLICY STATEMENT

- 2.1. The School adopts a **zero-tolerance** approach to acts of bribery and corruption and shall continuously conduct its business activities professionally, ethically, honestly and with high standards of integrity.
- 2.2. The anti-bribery and corruption statement as stated in Clause 2.1 applies equally to the School's dealings with its community on academic related matters and business dealings with individuals, government (public sector) and commercial (private sector) entities, and includes their directors, employees, agents, consultants, representatives and other appointed representatives such as officials, politicians and public bodies.
- 2.3. The School encourages any person to report any suspected, attempted or actual bribery and corruption cases, and prohibits retaliation against those making reports in good faith. The School is committed to ensuring that no one suffers any detrimental treatment as a result of refusing to pay or receive bribes or participate in other illicit acts. Detrimental treatment includes amongst others dismissal, disciplinary action, threats, harassment or other unfavourable treatment.



### 3. SCOPE

The Policy applies to:

- 3.1. governors, members of the Council of Governors' established subcommittees, task forces and working groups and employees (including permanent, part-time and contract employees) of the School ("**Staff**");
- 3.2. volunteers of the School, including but not limited to PTA Committee members, former governors and alumni ("**Volunteers**"); and
- 3.3. any third party (person or entity) who performs services for or on behalf of the School. This includes external counsellors, educational service providers, outsourcing providers, contractors, consultants, sub-contractors, suppliers, vendors and agents ("**Business Associates**").

### 4. DEFINITIONS

- 4.1. **Bribery** means the act of giving or receiving 'gratification' in exchange for some kind of influence or action in return, that the recipient would otherwise not offer.
- 4.2. **Corruption** is the abuse of entrusted power for personal gain. Essentially, it is the act of giving or receiving of any gratification or reward in the form of cash or in-kind of high value for performing a task in relation to his/ her job description.
- 4.3. **Donation and Sponsorship** means charitable contributions and sponsorship payments made to support the community.
- 4.4. **Facilitation Payment** is a payment or other provision made to or received personally from a third party in control of a process or decision, in order to secure or expedite a routine or administrative duty or function.
- 4.5. **Gifts** generally refer to items of value given to or by employees. They can be consumer goods, branded items, discounts or cash.
- 4.6. **Gratification** refers to "something of value" which includes, but not limited to money, donation, gift, loan, fee, reward, valuable security, information, property or interest in property, employment, appointment, release, forbearance, undertaking, promise, rebate, discount, services employment or contract of employment or services and agreement to give employment or render services in any capacity.
- 4.7. **Hospitality** includes meals, beverages, and travel and accommodation expenses. Typical examples are business meals, client trips, site tours, cultural, sporting events and holidays.



- 4.8. **MACC Act** means the Malaysian Anti-Corruption Commission Act 2009 (including its amendments).
- 4.9. **Political contributions** means expenditures, cash or in kind, made directly or indirectly to a political party or its local branches, elected officials or political candidates. Expenditures can be for general party support or for political campaigning.
- 4.10. **School** means The Alice Smith Schools Association or/and The Alice Smith School.

## 5. GIFTS AND HOSPITALITY

- 5.1. The School accepts normal and appropriate gestures of hospitality and goodwill, so long as the giving and receiving of gifts meets the following criteria:
- 5.1.1. 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.
  - 5.1.2. It is in compliance with local law.
  - 5.1.3. It is customary and lawful under the circumstances (e.g. giving small gifts around festive seasons or school events).
  - 5.1.4. It must not involve any corrupt or criminal intent of any kind.
  - 5.1.5. It is given/received in an open and transparent manner.
- 5.2. The intention behind the giving or receiving of gifts must always be considered, so as not to create an appearance of bad faith and impropriety and should not be misunderstood by others to constitute gratification.
- 5.3. Under no circumstances may Staff, Volunteers and/or Business Associates accept gifts in the form of cash or cash equivalent, including commissions, discounts or any other related forms.
- 5.4. No gift shall be offered to, or accepted from, government officials or representatives, or politicians or political parties.
- 5.5. Momentos bearing the name of the School or an official souvenir of the School are not considered gifts and can be given in line with their official intended use. Likewise, momentos bearing the name of the establishment name of the third party can be accepted by the Staff, Volunteers and Business Associates if it is given in a formal manner and for a legitimate purpose and comply with Clause 5.7 below.
- 5.6. As an act of gratitude to the School community, parents and students may present a gift or offer hospitality to Staff for the work well done and this is



acceptable to the School as long as the purpose is not construed as an improper inducement to accord preferential treatment to the parents and students in the future.

- 5.7. Any gifts or hospitality received by Staff with a value of more than RM500 has to be declared to the Head of School or Chair of the Council using a Gifts and Hospitality Declaration Form as per Appendix I. A Register of Gifts and Hospitality as per Appendix II shall be maintained and kept by the Head of School.

## **6. FACILITATION PAYMENTS**

- 6.1. Facilitation payments are classified as acts of bribery and corruption under the MACC Act and are illegal. As such, the School prohibits the giving, offering, or promising of facilitation payments of all kinds by either Staff, Volunteers and/or Business Associates acting on behalf of the School.
- 6.2. Staff are also prohibited from receiving or requesting such payments whether in cash or in kind.

## **7. DONATIONS AND SPONSORSHIPS**

- 7.1. The School does not make or offer monetary or in-kind political contributions to any political party, political party official or candidate running for political office.
- 7.2. The School allows charitable donations and sponsorships for legitimate reasons and as permitted by existing laws and regulations. However, the School strictly prohibits the giving and receiving of donations and sponsorships to influence business decisions.
- 7.3. All requests for donations and sponsorships are subject to a due diligence check and to the authority limits specified in the Financial Management Policy.

## **8. RESPONSIBILITIES**

- 8.1. All Staff, Volunteers and Business Associates are required to read, understand and comply with the Policy.
- 8.2. The prevention, detection and reporting of corruption and bribery shall be the responsibility of all Staff, Volunteers and Business Associates, all of whom are required to avoid and refrain from any activity of any kind that may lead to or suggest or result in a breach of the Policy.



- 8.3. The Council of Governors has overall responsibility for ensuring that the School complies with its legal and ethical obligations under the Policy, and that all those under its control comply with it.
- 8.4. The Head of School has primary and day-to-day responsibility for implementing the Policy, and for monitoring its use and effectiveness and dealing with any queries on its interpretation. The Head of School shall report back to the Council of Governors on the implementation of the Policy on an annual basis.
- 8.5. Senior management are responsible for ensuring those reporting to them are made aware of and understand the Policy and are given adequate and regular training on it.

## 9. REPORTING

- 9.1. The School strongly encourages reporting of real or suspected cases of bribery and corruption without fear of retaliation or reprisal.
- 9.2. The School has established an avenue for the reporting of bribery, corruption and other forms of misconduct, including violations of the Policy through designated secure channels, available to all Staff, Volunteers and Business Associates.
- 9.3. All Staff, Volunteers and Business Associates must notify the Head of School ([hos@alice-smith.edu.my](mailto:hos@alice-smith.edu.my)) of the School in writing immediately as soon as possible if they believe or suspect that a breach of the Policy has occurred, may occur in the future, or gratification has been demanded or offered with a view of obtaining or seeking an improper business or personal advantage.
- 9.4. Alternatively, Staff, Volunteers and Business Associates may report to the Chair of the Council of Governors ([CoG\\_Chair@alice-smith.edu.my](mailto:CoG_Chair@alice-smith.edu.my)) or the Chair of the Finance Subcommittee ([FSC\\_Chair@alice-smith.edu.my](mailto:FSC_Chair@alice-smith.edu.my)) in accordance with the [Whistleblowing Policy](#) of the School.
- 9.5. The Head of School is required to notify the Chair and the Vice-Chair in writing of any reported real or suspected cases of bribery or corruption. A register of real or suspected cases of bribery or corruption shall be maintained by the Head of School.

## 10. RISK ASSESSMENT

- 10.1. The School shall on a regular basis assess its risk to bribery and corruption and take the necessary actions to mitigate the risk.

## 11. TRAINING AND COMMUNICATION



- 11.1. The School shall conduct regular awareness programmes for all Staff on the School's position and practices regarding anti-bribery and corruption, integrity and ethics.
- 11.2. Volunteers and Business Associates shall be informed of the Policy.

**12. NON-COMPLIANCE**

- 12.1. The School regards bribery and acts of corruption as serious matters and will impose penalties in the event of non-compliance with the Policy. For Staff, non-compliance may lead to disciplinary action, up to and including termination of employment. Non-compliance may also subject them to legal action in the event that the School's interests have been impacted by non-compliance by individuals.
- 12.2. For Volunteers, non-compliance may subject them to legal action in the event that the School's interests have been impacted by non-compliance by individuals.
- 12.3. For Business Associates, non-compliance may lead to penalties including termination of contracts. Further legal action may also be taken in the event that the School's interests have been impacted by non-compliance by individuals and/or organisations.

**13. POLICY MANAGEMENT**

Approved By	:	Council of Governors
Review Cycle	:	2 Years
First Approved	:	26 September 2020
Last Review	:	9 December 2021
Next Review	:	December 2023



## APPENDIX I

### GIFTS AND HOSPITALITY DECLARATION FORM

This declaration form supports The Alice Smith Schools Association's Anti-Bribery and Corruption Policy (ABAC Policy) relating to Gifts and Hospitality. Staff must declare all gifts and hospitality received as outlined in Clause 5.7 of ABAC Policy. Completed form must be submitted to the Head of School for approval. Details below should be completed in the best knowledge.

Gifts and hospitality received by	:	
Department	:	
Date received	:	
Describe the gifts or hospitality offered	:	
Estimated or actual value	:	RM
Offered by (name, position, company)	:	
Reason for accepting the offer	:	
Signature	:	
Date of declaration	:	

Approval From Head of School (Chair of Council if the recipient is the Head of School)	
Decision	<input type="checkbox"/> Declined/Returned <input type="checkbox"/> Retained
Comments	
Signature	
Date	

