



St.Cuthbert's
Roman Catholic Academy Trust

Anti Fraud and Bribery Corruption Policy

Policy reviewed and adopted by the Board of Directors	15 June 2016
Version	1
Review frequency	Annually
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Responsible Office	CFO

Purpose of Policy

This policy and procedure defines the expected conduct of all staff engaged at the Trust and Academy Schools whether in paid or voluntary employment, in relation to deterring and/or detecting fraud and corruption, and who to report it to.

It includes clear guidelines on what is acceptable in terms of gifts and hospitality and how these matters are declared.

Also, reference is made to other Academy policies where appropriate.

1. Introduction

- 1.1 St Cuthbert's RC Academy Trust is committed to ensuring that it acts with integrity and has high standards of personal conduct. Everyone involved with the Academy Trust has a responsibility in respect of preventing and detecting fraud. All staff, directors and governors have a role to play. The Academy also recognises the role of others in alerting them to areas where there is suspicion of fraud.
- 1.2 Recognising a potential fraud and being able to report it is just as important as the measures to prevent and detect.
- 1.3 It is the duty of all employees, Board Members and Local Management Boards governors at the Trust to take reasonable steps to limit the possibility of corrupt practices, and it is the responsibility of the Responsible Officer (as defined in the Academies Financial Handbook) and Auditors to review the adequacy of the measures taken by the Academy to test compliance and to draw attention to any weaknesses or omissions.

2. Definitions

2.1 Fraud

Fraud is a general term covering theft, deliberate misuse or misappropriation of assets or anything that leads to a financial advantage to the perpetrator or others upon whose behalf he or she acts, even if these "others" are in ignorance of the fraud. Fraud is in fact intentional deceit and for this reason it cannot include negligence.

Fraud incorporates theft, larceny, embezzlement, fraudulent conversion, false pretences, forgery, corrupt practices and falsification of accounts.

2.2 Bribery and Corruption

The term 'corrupt practices' is defined for the purpose of this code as the offering, giving, soliciting or acceptance of an inducement or reward which may influence the actions taken by the Trust Board, the Local management boards and its staff. This is governed by the Fraud & Bribery Act 2010 .

Under this Act, a bribe is 'a financial or other advantage' offered, promised or given to induce a person to perform a relevant function or activity improperly, or reward them for doing so.

2.3 Gifts and Hospitality

A Gift is any item or service, award, prize or any other benefit which is received free of charge; or personally offered at a discounted rate or on terms not available to the general public or which might be seen to compromise the personal judgment or integrity of the recipient.

Hospitality is the offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event not available to the general public.

Any gifts, rewards and benefits that are disproportionately generous or that could be seen as an inducement to affect a business decision should be declared.

The acceptance of gifts and hospitality is a sensitive area where actions can easily be misconstrued. Therefore, employees' actions should be such that they would not be embarrassed to explain them to anyone.

2.4 Irregularities fall within the following broad categories, the first three of which are criminal offences –

- **Theft** - the dishonest taking of property belonging to another person with the intention of depriving the owner permanently of its possession;
- **Fraud** - the intentional distortion of financial statements or other records by persons internal and external to the Academy, which is carried out to conceal the misappropriation of assets or otherwise for gain;
- **Bribery and corruption (Gifts & Hospitality – see Point 4.)**- involves the offering or the acceptance of a reward, for performing an act, or for failing to perform an act, which leads to gain for the person offering the inducement;
- **Failure to observe**, or breaches of, Scheme of Delegation and Financial Regulations; Academy's Procedures which in some circumstances can constitute an irregularity, with potentially significant financial consequences.

2.5 Examples of what could constitute fraud and corruption are -

- theft of cash;
- non-receipt of income;
- substitution of personal cheques for cash;
- travelling and subsistence claims for non-existent journeys/events;
- travelling and subsistence claims inflated;
- manipulating documentation to increase salaries/wages received, e.g. false overtime claims;

- payment of invoices for goods received by an individual rather than the Academy;
- failure to observe, or breaches of, regulations and/or other associated legislation laid down by the Academy;
- unauthorised borrowing of equipment;
- breaches of confidentiality regarding information;
- failure to declare a direct pecuniary or otherwise conflicting interest;
- concealing a generous gift or reward;
- unfairly influencing the award of a contract;
- creation of false documents;
- deception;
- abuse of position for personal reward.

The above list is not exhaustive and fraud and corruption can take many different paths. If in any doubt about whether a matter is an irregularity or not, clarification must be sought from the Chief Financial Officer (CFO) who may also consult with the Trust Auditors.

Similarly, if there is concern or doubt about any aspect of a matter which involves an irregularity, or an ongoing investigation into a suspected irregularity, the best approach is to seek advice from the Headteacher, or if they are implicated, the board of directors.

3. Policy Statement

- 3.1 This policy and procedure defines Anti-Fraud & Corruption and Gifts & Hospitality and offers guidance for all staff in the Academy.
- 3.2 The Academy aims to be an honest and ethical institution. As such, it is opposed to fraud and seeks to eliminate fraud by the way it conducts Academy business. This document sets out the Academy's policy and procedures for dealing with the risk of fraud or corruption. In order to minimise the risk and impact of fraud, the Academy's objectives are, firstly, to create a culture which deters fraudulent activity, encourages its prevention and promotes its detection and reporting and, secondly, to identify and document its response to cases of fraud and corrupt practices.
- 3.3 This policy, in line with the Academy's values of integrity, consistency, impartiality, fairness and best practice, provides both staff and management with mutually understood guidelines for the administration of this procedure.
- 3.4 The scope of this procedure extends to all Academy employees, permanent, voluntary and fixed term.
- 3.5 Time limits specified in this document may be extended by mutual agreement.
- 3.6 If requested, employees may be accompanied by a recognised trade union representative or work colleague, not involved in any part of the process, at any interviews.

4. Gifts & Hospitality

4.1 These guidelines will help you to judge what sort of gift, and what level of hospitality is acceptable.

4.2 The following general rules apply and must guide decisions on receipt of gifts and hospitality as an employee of the Academy:

- To accept gifts should be the exception. You may accept small 'thank you' gifts of token value, such as a diary, a coffee mug or bunch of flowers, not over £25 in value. You should notify the CFO of any gift or hospitality over this value for entry in the Gifts and Hospitality Register of Business Interests.
- Always say "no" if you think the giver has an ulterior motive. Be sensitive to the possibility that the giver may think that even small gifts or simple hospitality will elicit a more prompt service or preferential treatment.
- Never accept a gift or hospitality from anyone who is, or may be in the foreseeable future, tendering for any contract with the Academy, seeking employment with the Academy or is in dispute with the Academy, even if you are not directly involved in that service area.
- Where items purchased for the Academy include a 'free gift', such a gift should either be used for Academy business or handed to the individual School Business Manger to be used for charity raffles.
- If you are in doubt about the acceptability of any gift or offer of hospitality it is your responsibility to consult the CFO or Headteacher.

4.3 Guidance on what is acceptable in terms of hospitality is whether this Academy would offer a similar level of hospitality in similar circumstances.

- Occasional working lunches with suppliers, service providers or partners are generally acceptable as a way of doing business and fostering good working relationships provided they are not to an unreasonable level or cost.
- Invitations to corporate hospitality events must each be judged on their merit. Provided the general rules have been taken into account, it may be acceptable to join other company/organisation guests at:
 - a. sponsored cultural and sporting events, or other public performances, as a representative of the Academy;
 - b. Special events or celebrations.

But, consider the number of these events, and always take into consideration what public perception is likely to be if they knew you were attending.

- Acceptability depends on the appropriateness of the invitations, in terms of the level of hospitality, the frequency and the status of the invited employee. In all such cases the Headteacher must be consulted.
- Paid holidays or concessionary travel rates are not acceptable. Neither are offers of hotel accommodation nor the use of company villas/apartments.
- If you are visiting a company to view equipment that the Academy is considering buying, you should ensure that expenses of the trip are paid by the Academy. Acceptance of refreshments and/or a working lunch may be acceptable, but care must be taken to ensure that the Academy's purchasing and/or tender procedures are not compromised.
- Acceptance of sponsored hospitality that is built into the official programme of conferences and seminars related to your work are acceptable.
- Offers to speak at corporate dinners and social gatherings, or events organised by, for example, a professional body, where there is a genuine need to impart information or represent the Academy must be agreed in advance with a Headteacher. Where your spouse or partner is included in the invitation, and approval has been given for you to attend, it will be acceptable for your spouse or partner to attend as well, but if expenses are incurred, these will be met personally.
- Any invitation you accept should be made to you in your professional/working capacity as a representative of the Academy.
- Cash should never be accepted.

5. Roles and Responsibilities

5.1 Staff and the Board

The St Cuthbert's RC Academy has adopted the following measures to demonstrate its commitment to anti-fraud and corruption:

- Personnel, Finance & General Purposes Committees meets regularly, at least once a term, although more frequently if deemed appropriate by the board of directors;
- A requirement for all staff and directors to declare prejudicial interests and not contribute to business related to that interest;
- A requirement for staff and directors to disclose personal interests;
- All staff and directors are made aware of the understanding on the acceptance of gifts and hospitality;
- Clear recruitment policies and procedures.

Staff, directors and governors also have a duty to report another member of staff, governor or director whose conduct is reasonably believed to represent a failure to comply with the above.

5.2 The Internal Audit Function

The External Auditors also provide a separate Internal Audit/Responsible Officer role and are responsible for reviewing and reporting the financial arrangements to the board of directors of the Trust.

The main duties of the Auditors are to provide the Directors with on-going independent assurance that:

- The financial responsibilities of the Trust are being properly discharged;
- The resources are being managed in an efficient, economical and effective manner;
- Sound systems of financial control are being maintained; and
- Financial considerations are fully taken into account in reaching decisions.

5.3 The Board of Directors

In respect of fraud it is the responsibility of the board of directors to ensure internal controls prevent and detect any frauds promptly. This includes:

- Proper procedures and financial systems;
- Effective management of financial records;
- Management of the Academy's financial position.

5.4 Chief Finance Officer (CFO)

The CFO has delegated responsibility to establish the financial procedures of the trust; establish financial records management and reporting systems to ensure the board of directors are able to fulfill their responsibilities.

The CFO also has responsibility for ensuring that effective systems of internal controls are maintained and will safeguard the resources of the Trust.

5.5 External Audit

The Academy's Annual Report and Financial Statements include an Independent Auditors' Report. This report includes a view as to whether the financial statements give a true and fair view and whether proper accounting records have been kept by the Academy throughout the financial year. In addition, it reports on compliance with the accounting requirements of the relevant Companies Act and confirms compliance with the financial reporting and annual accounting requirements issued by the Department for Education.

6. Reporting a Suspected Fraud

- 6.1 All allegations of suspected fraud and irregularities are to be brought to the attention of the CFO and also referred to the Headteacher, unless this individual is involved in the irregularity in which case the Chair of the Board should be informed.

The CFO will report all instances of fraud to the chair of the Audit Committee and board of directors.

Please refer to the Academy Whistleblowing Policy for further guidance.

7. Response to Allegations

- 7.1 The Headteacher will have initial responsibility for co-ordinating the initial response. In doing this he/she will consult with the Human Resource advisors regarding potential employment issues. The Headteacher will also see legal advice from the Academy's solicitors on both employment and litigation issues before taking any further action if deemed necessary.
- 7.2 The CFO and Headteacher will ascertain whether or not the suspicions aroused have substance. In every case, and as soon as possible after the initial investigation, they will pass the matter on to the Chair of the Audit Committee. Even if there is no evidence to support the allegation, the matter must be reported.
- 7.3 The Audit Committee will undertake the management of the investigation.
- They will, if appropriate, conduct a preliminary investigation to gather factual information and reach an initial view as to whether further action is required.
 - They will determine whether the findings, conclusions and any recommendations arising from the preliminary investigation should be reported to the Chair of Directors.
 - If further investigations are required, they will determine which outside agencies should be involved (police, auditors).
- 7.4 The Headteacher is required to notify the Trust Board of any serious financial irregularities. This action will be taken at the first opportunity following the completion of the initial investigations and will involve keeping the Chair of the Audit Committee fully informed between meetings of any developments relating to serious control weaknesses, fraud or major accounting breakdowns.
- 7.5 If evidence of fraud exceeding £5,000 is forthcoming individually or £5,000 Cumulative in any academy year then the Trust Board will inform the Education Funding Agency (EFA) as required by the Academies Financial Handbook and will consider whether or not to refer the matter to the police. The EFA will need to know specific details of the case and also if insurance has covered such loss.

They also reserve the right to conduct or commission its own investigation and may publish such details in line with its own policy on publishing information.

8. Confidentiality and Safeguards

- 8.1 The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice. The Academy will not tolerate harassment or victimisation and will do what it lawfully can to protect an individual when a concern is raised in good faith.
- 8.2 This does not mean that if the person raising the concern is already the subject of a disciplinary, redundancy or other procedure, that those procedures will be halted as a result of the concern being reported.
- 8.3 There is a need to ensure that the process is not misused. For further guidance refer to the Academy Disciplinary, Grievance and Capability policy.

9. Links with other Policies:

- 9.1 The Trust is committed to preventing fraud and corruption. To help achieve this objective there is a clear network of systems and procedures in place for the prevention, detection and investigation of fraud and corruption. This Anti-Fraud and Anti-Corruption policy attempts to consolidate those in one document and should be read in conjunction with the following Academy policies:
- Whistle-Blowing Policy
 - Finance Policy
 - Disciplinary and Dismissal Policy