

ANTI-FRAUD AND ANTI-BRIBERY POLICY

Date Approved by Board:	13 December 2017
Review Date:	December 2019
Responsible Individual(s):	Clerk to Board and Accounting Officer

The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:

- eliminate discrimination and other conduct that is prohibited by the Academy*
- advance equality of opportunity between people who share a protected characteristic and people who do not share it*
- foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.*

In the development of this policy/procedure due regard has been given to achieving these objectives.

Scope and Purpose of Policy

Wellspring Academy Trust ('the Trust') is committed to the values of probity and accountability and requires staff at all times to act honestly and with integrity, to safeguard the public resources for which they are responsible. Fraud and Bribery is an ever-present threat to these resources and it is therefore necessary for all managers to be aware of what is required in the event of being notified of a suspected fraud. The Anti-Fraud and Anti-Bribery Policy describes the Trust's position on fraud. The Policy should be read in conjunction with the Trust's Public Interest Disclosure ('Whistleblowing') Policy, which identifies a framework to allow members of the Trust's staff, management, Directors or the Trust community to raise concerns confidentially.

The Board of Directors already has procedures in place that reduce the likelihood of fraud and bribery occurring. These include Financial Regulations, documented procedures and internal control and risk management systems.

Definitions

Fraud

For a fraud offence to occur, a person must act dishonestly with the intent of making a financial or other gain, or to cause a loss (or risk of loss).

Any person who dishonestly makes a false representation to make a gain for themselves or another or dishonestly fails to disclose to another person information which s/he is under a legal duty to disclose, or commits fraud by abuse of position,

including any offence as defined in the Fraud Act 2006.

For the purposes of this Policy the term covers deception (as defined in the Theft Act 1978), forgery, extortion, corruption (giving, soliciting or acceptance of an inducement or reward), theft, conspiracy, embezzlement, misappropriation, false representation and concealment of facts/collusion.

Bribery

Bribery Act 2010

The Bribery Act 2010, which repeals previous corruption legislation, covers the offences of offering and or receiving a bribe and introduced specific responsibility on organisations to have in place sufficient and adequate procedures to prevent bribery and corruption taking place. Under the Act, bribery is defined as 'Inducement for an action which is illegal, unethical or a breach of trust.

Inducements can take the form of gifts, loans, fees, rewards or other privileges'.

Corruption is broadly defined as 'The offering or the acceptance of inducements, gifts, favours, payments or benefit in kind which may influence the improper action of any person'. Corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.

A bribe is offering, promising, or giving a financial (or otherwise), advantage to another person with the intention of bringing about improper performance or reward. The Bribery Act also states that a person is guilty of an offence if they request, agree to receive, or accept a financial or other advantage intending that a relevant function or activity should be performed improperly by them or another. It further states that offering or agreeing to accept a bribe is an offence even if no money or goods have been exchanged.

Computer Misuse

If a person causes a computer to function with intent to access a program or data held and the access is unauthorised and they are aware at the time that this is the case.

The intent need not be directed against any particular program or data, or against a particular kind of program or data, or against a particular computer. (For example, by altering, substituting or destroying records, or creating spurious records), or where the use of an IT system was a material factor in the perpetration of fraud. Reference is made to the Computer Misuse Act 1990 in respect of computer fraud. Theft or fraudulent use of computer time and resources is also included in this definition.

Public Service Values

Academies are accountable to a wide range of bodies, including the Education Funding Agency (EFA). Therefore Academies must set high standards of conduct and propriety to ensure the correct and ethical use of public funds. The Trust ensures this through adopting and implementing sound systems of internal control.

Accountability: Everything done by those who work in the organisation must be able to stand the test of parliamentary scrutiny, public judgements on propriety and professional codes of conduct.

Probity: Absolute honesty and integrity should be exercised in dealing with pupils, assets, staff, suppliers and customers.

Openness: The organisation's activities should be sufficiently public and transparent to promote confidence between the Trust and its pupils, staff and the public.

All those who work in the organisation should be aware of, and act in accordance with, these values.

Board of Directors' Policy Statement

The Board of Directors is absolutely committed to maintaining an honest, open and well intentioned atmosphere within the Trust. It is therefore also committed to the elimination of any fraud within the Trust and to the rigorous investigation of any such cases.

The Board of Directors wishes to encourage anyone having reasonable suspicions of fraud to report them. Therefore it is also the Board of Directors policy, which will be rigorously enforced, that no employee will suffer in any way as a result of reporting reasonably held suspicions. For these purposes 'reasonably held suspicions' shall mean any suspicions other than those which are raised maliciously and found to be groundless.

Prevention, Awareness and Training

The adoption of proper and adequate measures to prevent fraud and corruption are the responsibility of the Board, Accounting Officer, Principals and other managers.

All Board members and staff need to be made aware of, and have ready access to, the Trust's agreed policies and procedures e.g. Financial Regulations, Codes of Conduct and any relevant practice and procedure documents.

References will be taken up for all permanent and temporary staff to verify their suitability, honesty and integrity.

The Trust has and will maintain in place systems and procedures which incorporate internal controls, including adequate separation of duties to ensure that, as far as possible, errors, fraud and corruption are prevented.

Financial Procedures detail key financial systems and provide guidance to underpin the Trust's Financial Regulations. The Finance Officer and Principals are responsible for ensuring that appropriate internal controls are properly maintained.

The Trust will deal with any instances of fraud or corruption swiftly. Disciplinary action will be taken as necessary and the police informed/involved if appropriate.

In the event that fraud is suspected on the part of contractors, employees internally or by staff involved in agency or contract work on behalf of other bodies, procedures and responsibilities for reporting and initial investigation are the same as for staff. The Trust will inform and involve employing contractors or agencies when appropriate.

The Trust recognises that the continuing effectiveness of the Anti-Fraud and Anti-Bribery Policy depends largely on the awareness and responsiveness of Board members and staff.

It is essential that Board members and staff are made aware of the policy when they join

the Trust, receive a copy for inclusion in their personal records and, in addition, have ready access to all other relevant documents, policies and procedures which regulate the Trust's activities.

Role of the Accounting Officer

The Accounting officer is responsible for ensuring that an effective system of internal control is maintained and operated by the Trust. This system includes the establishment of financial regulations and procedures, which must be adhered to at all times and by all staff.

Principals' Responsibilities

Principals are responsible for ensuring that an adequate system of internal control exists within their Academy and that controls operate effectively. The responsibility for the prevention and detection of fraud, therefore, rests primarily with Principals. There is a need for all Principals to assess the types of risk involved in the operations for which they are responsible; to regularly review and test the control systems for which they are responsible; to ensure that controls are being complied with and to satisfy themselves that their systems continue to operate effectively.

The Chief Finance Officer is available to offer advice and assistance on control issues as necessary. In terms of establishing and maintaining effective controls it is desirable that:

- There is a regular rotation of staff responsibilities, particularly in posts where key financial controls are operating;
- Wherever possible, there is a separation of duties so that control of a key function is not vested in one individual;
- Backlogs are not allowed to accumulate;
- In designing any new system, consideration is given to building in safeguards against internal and external fraud.

All Staff Responsibilities

Every member of staff has a duty to ensure that public funds are safeguarded, whether they are involved with cash or payments systems, receipts, stocks, assets or dealing with contractors or suppliers. Staff should alert the Chief Finance Officer (or his/her nominee) where they believe that the opportunity for fraud exists because of poor procedures or lack of effective controls.

Staff should alert the Chief Finance Officer (or his/her nominee) if they suspect a fraud has been committed or see any suspicious acts or events as a matter of urgency. If the suspected fraud involves the Chief Finance Officer the member of staff should make their concerns known to the Principal. If the suspected fraud involves the Principal, the member of staff should make their concerns known to the Accounting Officer.

Staff should also assist in any investigations by making available all relevant information and by co-operating in interviews.

It should be added that under no circumstances should a member of staff speak or write to representatives of the press, TV, radio or to another third party about a suspected fraud without the express authority of the Accounting Officer. Care needs to be taken to ensure that nothing is done that could give rise to an action for slander or libel.

Personal Conduct

The Trust subscribes to the seven principles of public life set out in the Nolan Committee's first report. As stewards of public funds, Trust staff must have, and be seen to have, high standards of personal integrity and must adhere to the Trust's employment policies. Staff should not accept gifts, hospitality or benefits of any kind from a third party which might be seen to compromise their integrity. Guidelines are included in the Trust's Financial Regulations, Finance Procedures and relevant employment policies.

Disciplinary Action

After proper investigation, the Trust will take legal and/or disciplinary action in all cases where it is considered appropriate. Generally, in relation to proven frauds or frauds which come to light, whether perpetrated by a member of staff or by persons external to the Trust, the case will be referred to the police at the earliest possible juncture. The Trust will co-operate fully with police enquiries and these may result in the offender(s) being prosecuted. All investigations will consider whether there has been a failure of supervision and where this has occurred appropriate disciplinary action will be taken against those responsible.

Recovery of Losses

In all cases, the Trust will take steps to recover any losses resulting from the fraud.

Review of the Anti-Fraud & Anti-Bribery Policy

The Anti-Fraud & Anti-bribery Policy will be reviewed every two years and will also be referred to as part of the annual revision of the Trust's Financial Regulations.

Linked policies

- Fraud Response Plan
- Public Interest Disclosure (Whistleblowing) Policy
- Disciplinary Policy
- Gifts and Hospitality Policy.

Location and access to this policy

This policy is located on the Trust's Website.

Reviews

This policy was first approved by the Board in January 2014. A review was undertaken in 2015 and approved by the Board in December 2015, with a subsequent review in December 2017. Next review due December 2018.