



Anti-Fraud, Anti-Bribery & Corruption Policy

The Children's Endeavour Trust comprises of:

Abbot's Hall Community Primary School

Bosmere Community Primary School

Broke Hall Community Primary School

Chilton Community Primary School

Combs Ford Primary School

Freeman Community Primary School

Springfield Junior School

Whitehouse Community Primary School

Document Control

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1. Introduction – Anti-Fraud & Corruption

This policy applies to all employees, governors, trustees, and other individuals performing functions in relation to the organisation, such as agency workers and contractors.

It is important to the Trust that there are proper procedures in place to guard against fraud and corruption and to ensure the best use of public funds. If there are any concerns that cannot be raised through the normal channels, then the Whistleblowing policy should be followed.

2. Background

The Department for Education's Scheme for Financing Schools (March 2018) includes the following provision, at paragraph 2.17.

"All schools must have a robust system of controls to safeguard themselves against fraudulent or improper use of public money and assets. The Trust must inform all staff of policies and procedures related to fraud and theft, the controls in place to prevent them; and the consequences of breaching these controls. This information must also be included in induction for new school staff, governors, and trustees". In addition, when completing the 'school resource management assessment tool' the Trustees are asked if there are adequate arrangements in place to guard against fraud and theft by staff, contractors and suppliers and note any instance of fraud or theft detected in the last 12 months. This policy document assists the Trustees in meeting these requirements.

Fraud is a criminal offence. The Fraud Act 2006 defines 'fraud' as:

1. *Deceit, the intention to deceive or secrecy: and*
2. *(a) an actual loss or gain;*
3. *(b) The intent to cause loss to another or expose them to the risk of it;*
4. *Dishonesty.*

Offences of fraud can include abuse of position, making of a false statement, failure to disclose information, obtaining services dishonestly, deception, theft, misappropriation, embezzlement, forgery, corruption, extortion, false accounting, false representation, concealment of material facts, acts of conspiracy, collusion and aiding and abetting any act of dishonesty.

Bribery is a criminal offence, and the Bribery Act 2010 introduces a clearer regime for tackling bribery. A definition is – *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 advantages.*

The Trustees are committed to fighting fraud with high ethical and moral standards and recognise that any fraud perpetrated against the Trust is costly, both in financial terms and reputation. The Trustees are therefore committed to taking action to prevent, detect and deter fraud, corruption, and bribery in all its activities.

This policy must be read in conjunction with the Whistleblowing and Gifts and Hospitality Policies and the Finance Policy.

The Trust will ensure probity in administration and governance by taking positive action against all forms of fraud, corruption or bribery affecting trust business whether it is from internal or external sources.

The Trust Board has a legal responsibility for the school's budgets and will ensure a sound system of internal controls are in place in the use of delegated and other funds given to the schools.

The CEO & CFO are responsible for ensuring that there are sound systems of financial control designed to minimise the risk of fraud or error. All school & Trust staff are expected to report any cases of suspected fraud, no matter how trivial they may seem either to their manager, through the Whistleblowing Process or to the Shared Anti-Fraud Service.

All staff are expected to be fully accountable during their employment, to follow the Trust's policies, financial procedures and any relevant professional code and to comply with all laws and regulations applicable to the trust's business. As stewards of public funds, staff must have, and be seen to have, high standards of personal integrity. Staff should not accept personal gifts, hospitality, or benefits of any kind from a third party that may be seen to compromise that integrity.

Internal Auditors will report on the existence and effectiveness of control systems and as part of the audit process may advise on best practice. The findings and recommendations of reports will be implemented promptly.

3. Detection

The Internal Auditors undertake Trust Audits in accordance with the Trust Audit Strategy and reports on the effectiveness of the financial controls within the Trust.

4. Investigation

Where any matter that might constitute fraud, theft, corruption, or bribery comes to the attention of any trustee, governor or member of the school staff contact should be made with the CEO, or one of the Trustees. A decision will be made to contact either the Internal Auditors or the External Auditors. If the concern is about either the CEO or the trustees, the advice in the Whistleblowing policy should be followed. The first course of action will be to identify the most suitable person to undertake a preliminary fact-finding investigation. In practice this will normally be the CEO.

Subject to the initial findings the matter will then be further investigated by the external Auditors.

5. Deterrence

The Trust views fraud as a serious offence against the Trust and employees will face disciplinary action if there is evidence to support any allegation of fraud. Disciplinary action may be taken in addition to any criminal proceedings, depending on the circumstances of each case. The Trust Board is committed to deterring potential cases of fraud through the implementation of robust systems and procedures and will act quickly and efficiently where fraud is alleged, leading to the most appropriate outcome. It will take all steps possible to ensure appropriate penalties are sought in cases where fraud is proven, strenuously attempt recovery of any monies lost as a result of fraud and thoroughly assess the systems and processes to ensure fraud is minimised in future. The Trust Board will ensure its policy is communicated to staff and the wider school community.

6. Introduction - Bribery

The Bribery Act became law on 1 July 2011. It replaces what are collectively known as the Prevention of Corruption Acts 1889 to 1916. It is designed to address bribery and corruption in the public and private sectors and will mean that any incorporated organisation, potentially including schools could be liable to severe penalties if they fail to implement adequate procedures to prevent bribes being paid or received on their behalf.

There are four key offences under the Act

- *Section 1 Bribing another person*
- *Section 2 Taking a bribe*
- *Section 6 Bribing a foreign public official*
- *Section 7 Failing to prevent bribery*

The Bribery Act applies to all staff in the organisation. An organisation may be guilty of bribery even if only the individual offender knew of the bribery. The Bribery Act introduces serious penalties such as unlimited fines for organisations and up to a maximum jail term of 10 years for the individuals involved. Organisations will have a defence against prosecution if they can demonstrate that they had “*adequate procedures in place to prevent bribery*”. Bribery is a serious criminal offence, and the Trust does not and will not, pay bribes or offer improper inducement to anyone for any purpose. Equally the Trust does not and will not accept any bribes or improper inducements.

7. Definition of Bribery

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

8. Objective of the Anti-Bribery Policy

The objective of the policy is to provide a coherent and consistent approach to ensuring compliance with the Bribery Act. It will enable all employees and any person who performs services for and on behalf of the Trust (this could include contractors and subcontractors) to

understand their responsibilities and allow them to take the necessary action, for example reporting any potential breaches of the policy. The Trust is committed to countering bribery and corruption in all forms and will not tolerate it in any of its activities. The Trust requires that all staff and anyone working or performing any service on or on behalf of the Trust neither accept nor give bribes.

Staff must:

- Act honestly and with integrity at all times to safeguard the Trust's resources for which they are responsible.
- Comply with the law (both in spirit and in the letter)
- Abide by this policy.

9. Scope of the Policy

The policy applies to all of the Trust's activities including its work with strategic partners, third parties, suppliers, and others.

10. Ownership of the Policy

The policy has the approval of the Trust Board. The policy applies equally to all staff, regardless of grade whether permanently employed, temporary agency staff, contractors, agents, all elected and non-elected Governors, Trustees, volunteers, and consultants. The CEO and the Board of Trustees will own the policy, thereby ensuring that there is commitment at the highest level.

11. Anti-Bribery Policy

It is unacceptable to:

- Give, promise to give, or offer payment, gifts or hospitality with the expectation or hope that a favourable advantage will be received, or to reward a favourable advantage already given.
- Give, promise to give, or offer payment, gifts or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure.
- Accept payment from a third party that is offered with the expectation that it will obtain a favourable advantage for them, whether known or suspected
- Accept a gift or hospitality from a third party if it is offered or provided with an expectation that a favourable advantage will be provided by the Trust in return, whether known or suspected
- Retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy.
- Engage in activity in breach of this policy.

12. Related Policies

The anti-bribery policy must be considered alongside the following policies which collectively set out the Trust's approach to reducing bribery risks:

- Whistleblowing
- Code of Conduct for Staff
- Code of Conduct for Governors
- Scheme of Financial Delegation/Procedures
- Safer Recruitment and Disciplinary Procedures

13. **Staff Responsibilities and all those working or performing any service on or behalf of the Trust:**

Prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Trust or under its control. All staff including third parties working or performing any service on or behalf of the Trust are to avoid activity that breaches this policy, and must:

- Ensure that they read, understand and comply with the policy.
- Raise concerns as soon as possible if they suspect that this policy has been breached.

14. **Adequate Procedures**

The procedures need to be applied proportionately based on the level of risk of bribery to the Trust.

Adequate procedures cover:

- **Risk Assessment:** That the Trust assesses the nature and extent of its exposure to potential bribery from inside and outside. The Trust should know who it is doing business with and whether this has risk implications.
- **The Trust Board is committed to preventing bribery.** That there is a clear statement that bribery is not acceptable. That the anti-bribery policy is clearly communicated to all staff and partners of the Trust.
- **Due Diligence** That the Trust has policies in place and is aware of who it does business with. The Trust is confident that its business relationships are transparent and ethical.
- **Clear, Practical and Accessible Policies and Procedures** That the Trust's policies and procedures to prevent bribery being committed on its behalf are clear, practical, accessible and enforceable.
- **Effective Implementation** The anti-bribery policy and procedures are embedded throughout the Trust. This means that the anti-bribery statements are embedded in the recruitment, retention, and operational policies and in training programmes.

- **Monitoring and Review** That the Trust monitors and reviews its policies and procedures on a regular basis to ensure that there is compliance.

Ultimately, whether procedures are adequate is for the courts to decide on a case-by-case basis.

15. Monitoring and Review of the Anti-Bribery Policy

Will be carried out by the Trust Board.

16. Reporting to the Police; Sanctions and Redress

Staff who breach this policy face the possibility of civil and criminal prosecution. They also face disciplinary action, which could result in dismissal for gross misconduct. The CEO, in consultation with Trustees, will decide whether any matter is referred to the police for further investigation and follow the reporting processes set out in the School's Employee Code of Conduct.