



DIOCESE OF CHICHESTER
ACADEMY TRUST

Anti-Fraud, Bribery & Corruption Policy

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Academy Policy	
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Introduction

Our **vision** for our Trust is we exist to:

Help every child achieve their God-given potential

Our **aims** are clear. We aim to be a Trust in which:

Developing the whole child means pupils achieve and maximise their potential

Continued development of staff is valued and improves education for young people

All schools are improving and perform above national expectations

The distinct Christian identity of each academy develops and is celebrated

Our work as a Trust is underpinned by shared **values**. They are taken from the Church of England's vision for Education and guide the work of Trust Centre team. They are:

Aspiration

I can do all things through Christ who strengthens me
(Philippians 4 vs 13).

Wisdom

Listen to advice and accept discipline, and at the end you will be counted among the wise
(Proverbs 19 vs 20)

Respect

So in everything do to others what you would have them do to you
(Matthew 7 vs 12)

Our vision of helping every child achieve their God-given potential is aligned with the Church of England's vision for education and is underpinned by the Bible verse from John: *I have come that they may have life, and have it to the full.*

I. Policy Aims

The Trust is committed to operating fairly, honestly and with integrity. As part of this overall commitment, the Trust has a zero-tolerance policy in relation to bribery and corruption. This includes a commitment to comply with all applicable anti-bribery and corruption laws and regulations, and in particular, the Bribery Act 2010.

Compliance with the law helps to maintain and enhance our good reputation and reflects our goal to serve the best interests of our pupils. Compliance also protects the Trust, its employees and anyone else associated with it from the severe consequences of breaking the law. Penalties under UK law include unlimited fines in the case of the Trust and unlimited personal fines and up to 10 years' imprisonment in the case of individuals.

UK bribery laws, in particular, are extensive and prohibit the giving or receiving of bribes. A bribe is designed to improperly influence the way in which a person acts, may be in the form of money but can also be any other type of advantage. For example, the law extends to the giving or receipt of inappropriate entertainment and to 'grease' payments to public officials (e.g payments to expedite a process).

All staff should remember that the law can be complex and it will not always be clear how the law applies in every situation. Therefore, any questions or concerns about the application of the law to specific situations should be directed firstly to your line manager and then escalated to the CEO or Deputy CEO if required. In order to ensure also that they follow Trust policies and procedures in relation to gifts and entertainment and claiming expenses.

We require all our employees and anyone else associated with the Trust to follow this policy and to comply with all applicable anti-bribery and corruption laws. It is the responsibility of all of us to make sure that we uphold our values and that all of our dealings are legitimate.

2. Legislation

Annex 4.9 of the HM Treasury publication [Managing Public Money](#) highlights the responsibilities and expectations of public sector organisations in relation to fraud. An effective fraud risk management strategy involves:

- assessing your overall vulnerability to fraud
- testing your internal control system to ensure it is robust.
- identifying the areas most vulnerable to fraud risk, the [list of potential fraud indicators](#) may support this review
- evaluating the scale of fraud risk
- responding to the fraud risk through improved control arrangements
- measuring the effectiveness of the risk strategy to potential fraud
- reporting fraud

The most effective way to manage the risk of fraud is to prevent it from happening by developing an effective anti-fraud culture.

Paragraph 2.6 of the [Academies Financial Handbook](#) requires academy trusts to have an internal control framework which reduces the risk of fraud and theft.

Paragraphs 6.10-6.14 include guidance for academies on investigating fraud, theft and/or irregularity in their accounts, they include:

- Academies must be aware of the risk of fraud
- The board of trustees must notify the Education and Skills Funding Agency (ESFA) of any instances of fraud

The DfE have produced an anti-fraud checklist which can be found [here](#) and in [Appendix A](#) of this policy.

3. Policy Definitions

Bribery

The Bribery Act 2010

The Bribery Act 2010 introduces four offences:

The offence of bribing another person. This can occur where a person offers, promises or gives a financial or other advantage to another individual to perform improperly a relevant function or activity.

The offence of being bribed. This is where a person receives or accepts a financial or other advantage to perform a function or activity improperly.

Bribery of a foreign public official. This is where a person directly or through a third party offers, promises or gives any financial or other advantage to a foreign public official in an attempt to influence them.

A corporate offence of failure to prevent bribery. A commercial organisation could be guilty of bribery where a person associated with the organisation, such as an employee agent or even a sub-contractor bribes another person intending to obtain or retain business for the organisation.

Corruption

The offering, giving, soliciting or acceptance of an inducement or reward that may influence the actions of any person. Both parties are equally guilty of an offence.

4. Gifts & Hospitality

The acceptance of gifts and hospitality from pupils / parents, suppliers and potential suppliers must not give the appearance that employees of the Trust or its Local Governors or Trustees may be unduly influenced in the decisions that they make in respect of pupils / parents, suppliers or in any other aspect of their work. This Policy should be read in conjunction with our [Conflict of Interest and Related Party Policy](#).

All gifts and hospitality given or received, of whatever value, must be entered in the Register kept by the management team.

No personal gifts should be accepted from a pupil / parent, supplier or potential supplier without express permission from your line manager.

A Hospitality and Gift Register to record gifts and / or hospitality accepted and details of any gifts/ hospitality refused is held in each Academy and by the Trust Centre.

Receiving Hospitality and Gifts

If trustees, staff and governors of the Trust are approached with a view to a gift being made or hospitality offered, the gift or hospitality should be politely refused citing the Trust's policy. The approach should firstly be reported to the Head teacher of the Academy who will advise on whether any further action should be necessary. The Headteacher should then inform the CEO with a comment/report being made in the Register.

It is common and cultural for appreciative parents and pupils to register their thanks for the work of staff in the form of a small personal gift. If these are reasonably valued at less than £25, no reference is necessary to senior staff or record made in the Register. NB: Cash, gifts vouchers and any other items deemed to be of direct monetary value are taxable and need to be declared to HMRC for taxable purposes. However, this does not apply where a voucher exchange can be made for a specific item or service i.e.: not to be 'cashed'.

Seasonal gifts of nominal value e.g.: calendars, diaries, need not be added to the Register.

If a significant gift is made or arrives, where it is not possible for it to be refused then the Trust/Academy should arrange for it to be returned with a polite explanation of the Trust's policy. This should be recorded in the Register.

When a more valuable gift, benefit or service is offered which is for the benefit of the Academy and/or Trust rather than an individual then it must be referred to the CEO. Then, details must be added to the Register.

Hospitality in the form of working lunches with light refreshments are perfectly acceptable and are viewed as staff subsistence. These should not be confused with corporate hospitality.

If trustees, staff and governors of the Trust are offered hospitality or gifts whilst involved in the procurement of goods, services, tenders for work or when liaising with anyone conducting business with the Academy/Trust other than light refreshments it is their responsibility to report this within a week to first the Headteacher/CEO before accepting such a benefit. A report should be added to the Register. In some exceptional circumstances an additional report to the CEO of the Trust may be required.

If not accepting a gift would cause a cultural offence, then the item should be accepted, but reported as soon as possible. The Headteacher or CEO should then add it to the Register and decide whether it would be appropriate for it to be donated to charity; raffled in an Academy fair or displayed for the education of pupils.

Where a gift is accepted on behalf of the Academy or Trust, the gift remains the property of the Academy or Trust. Examples of gifts or hospitality that **should not** be accepted are: -

- cash or monetary gifts
- gifts or hospitality offers to a family member
- gifts or hospitality from a potential supplier tendered in the immediate period before tenders are invited or during the tender process.

Giving of Gifts

In general, the Trust does not believe that the giving of gifts is appropriate. Staff must never give a gift on behalf of the Trust without the express permission of the CEO or Deputy CEO or the Trust Chair. If staff seek permission to give a gift, then they must be prepared to explain the reason for which the gift is being given and why the gift is appropriate.

For clarity, the following represent allowable costs that can be incurred by the School or the Trust Centre Team, and are therefore not captured by the above definition of 'gifts':

- Purchase of flowers, the giving or a charitable donation, or similar, either to Trust Staff or an appropriate external party, as a one-off gesture to recognise circumstances such as illness or a 'thank you'.
- Purchase of food, drink or other related items for staff and external individuals where necessary as part of special events – for example parents' evenings, Trust organised meetings or events etc

Such gifts as described above are allowable when appropriate, not excessive and approved by the CEO, Deputy CEO or the Head of Operations & Governance.

Non-compliance

In a case where it is believed a member of Staff, Trustees or Governors has not declared a gift or hospitality then a formal investigation should be instigated by the Headteacher, Chair of Governors or CEO. This may take the form of disciplinary procedure in the case of employees if misconduct is indicated.

It is also an act of potential gross misconduct to seek to influence any other person to behave in an improper way or to confer a business advantage on you or the Trust through the giving of any gift or hospitality.

5.Raising Concerns

- 5.1 Trustees, Local Governors, employees and anyone acting for, on or behalf of the Trust are an important element in the Trust's defence against fraud and corruption; they are expected to raise any concerns that they may have on these issues where they are associated with the Trust's activities
- 5.2 The Trust's Senior Management, Trustees and Local Governors, will be robust in dealing with financial malpractice of any kind. Trustees, Governors and employees of the Trust should follow the guidance in the Trust's Whistleblowing Policy.
- 5.3 All concerns reported, by whatever method, will be treated in confidence. Concerns should be raised with the Headteacher or Chief Executive Officer in the first instance except when it relates to the Headteacher or the Chief Executive Officer, in which case the concerns should be raised with the Trust Board Chair. This may mean that, depending on the level, type and details of the concerns you raise, that your concerns are investigated by a Headteacher, Chief Executive Officer, the Trust Board or, in the case of very serious concerns, the Police or the ESFA.

- 5.4 Concerns in relation to potential breaches of security as a result of cybercrime should be reported immediately to the Headteacher and Chief Executive Officer of the Trust, who will contact the Trust's IT support for advice.

Appendix A: Anti-Fraud Checklist for Academy Trusts

Fraud occurs in every sector and although the level of identified fraud in Academies is very low, Academy Trusts need to be aware of the potential for it to occur.

The 10 questions below are intended to help Trustees, Accounting Officers and Chief Executive Officers to review their arrangements for preventing, detecting and dealing with fraud should it occur.

- 1) Are the Trustees, Chief Executive and Chief Financial Officer aware of the risk of fraud and their responsibilities regarding fraud?
- 2) Is fraud included within the remit of the Trust's Audit and Risk Committee?
- 3) Has the role of the Trust's external auditor and responsible officer (or equivalent) regarding fraud been established and is it understood?
- 4) Is fraud risk considered within the Trust's risk management process?
- 5) Does the Trust have a fraud strategy or policy and a 'zero tolerance' to fraud?
- 6) Is the fraud strategy or policy and 'zero tolerance' culture promoted within the Trust? For example, through financial regulations, disciplinary procedures, checks on new staff, induction process, staff training and vetting of contractors?
- 7) Does the Trust have policies on Whistleblowing, Declarations of Interest and Receipt of Gifts & Hospitality?
- 8) Does the Trust have appropriate segregation of duties around financial transactions, including, but not limited to, accounting, processing and banking arrangements?
- 9) Is it clear to whom suspicions of fraud in the Trust should be reported?
- 10) If there has been any fraud in the Trust, has a lessons learned exercise been undertaken?