



Anti-Fraud, Anti-Bribery & Anti-Corruption

Approved by: Trust Board

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ANTI-FRAUD, ANTI-BRIBERY & ANTI-CORRUPTION POLICY

Scope

This policy is written and approved at board level, but applies to all members, trustees, governors and employees of schools, settings, and services, hereafter the 'organisations,' within The Claxton Trust. It defines expected conduct in relation to deterring and/or detecting fraud and corruption and who to report it to.

This has been created using model policies created by Herts for Learning and Price Bailey and has therefore been produced in consultation with external advisors and the professional associations/trade unions.

This policy should be read alongside the trust's Gifts & Hospitality Policy.

1. Introduction:

- 1.1 The Bribery Act 2010 sets out a clear regime for tackling bribery that applies to all businesses based or operating in the UK. It covers all sorts of bribery, the offering and receiving of a bribe, directly or indirectly, whether it involves a public official, in the UK or abroad. There are offences by individuals (and a corporate offence for corporates and partnerships), and penalties for non-compliance are serious.
- 1.2 Bribery is a criminal offence for both individuals and commercial organisations and can be punished with imprisonment of up to 10 years or unlimited fines. If any employee was accused of bribery, the reputation of The Claxton Trust might be damaged, and subsequent enforcement action will be time-consuming and hinder the trust from focussing on its core business and service delivery.
- 1.3 It therefore is the policy of the trust to prohibit any form of bribery covered by the Bribery Act 2010.
- 1.4 The Claxton Trust 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 business. This document sets out policy and procedures for dealing with the risk of significant fraud or corruption. To minimise the risk and impact of fraud, the trust'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.
- 1.5 The trust is committed to ensuring that it acts with integrity and has high standards of personal conduct. Everyone involved with the trust has a responsibility in respect of preventing and detecting fraud. All have a role to play. The trust also recognises the role of others in alerting them to areas where there is suspicion of fraud.
- 1.6 Recognising a potential fraud and being able to report it is just as important as the measures to prevent and detect.
- 1.7 It is the duty of all members, trustees, governors and employees within The Claxton Trust to take reasonable steps to limit the possibility of corrupt practices, and it is the responsibility of the accounting officer to ensure procedures are in place which review the adequacy of the measures taken by the trust to test compliance and to draw attention to any weaknesses or omissions.
- 1.8 Any investigation conducted in relation to alleged irregularities is linked to the Trust's Disciplinary & Dismissals procedure.

2. The Seven Principles of Public Life

The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public officeholder. This includes members, trustees, governors, and employees of the trust, as both servants of the public and stewards of public resources.

2.1 Selflessness

Holders of public office should act solely in terms of the public interest.

2.2 Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

2.3 Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

2.4 Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

2.5 Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

2.6 Honesty

Holders of public office should be truthful.

2.7 Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

3. 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, false pretences, forgery, corrupt practices, and falsification of accounts.

2.2 Corruption

The term ‘corrupt practices’ is defined for this code as the offering, giving, soliciting or acceptance of an inducement or reward which may influence the actions taken by The Claxton Trust, its members, trustees, governors, and employees.

2.3 Gifts and Hospitality

These are defined within the separate Gift & Hospitality Policy:

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 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 public.

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 organisation, which is conducted to conceal the misappropriation of assets or otherwise for gain.
- **Bribery and corruption** - 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:
 - Employees will not request or receive a bribe from anybody, nor imply that such an act might be considered. This means that you will not agree to receive or accept a financial or other advantage from a former, current, or future client, business partner, contractor or supplier or any other person as an incentive or reward to perform improperly your function or activities.
 - Employees will not pay a bribe to anybody. This means that you will not offer, promise, reward in any way or give a financial or other advantage to any person to induce that person to perform his/her function or activities improperly. It does not matter whether the other person is a UK or foreign public official, political candidate, party official, private individual, private or public-sector employee or any other person (including creating the appearance of an effort to improperly influence another person).
- **Failure to observe**, or breaches of, the scheme of delegation and the internal control framework; trust procedures which in some circumstances can constitute an irregularity, with potentially significant financial consequences.
- **Facilitation payments** - Facilitation payments are small payments made to secure or expedite the performance of a routine action by a government official or agency (e.g. issuing licenses or permits, installation of a telephone line, processing goods through customs, etc.) to which the payer (or the company) has legal or other entitlement. Facilitation payments are prohibited under the Bribery Act like any other form of bribe. The trust or trust employees in the UK or any other country shall not give facilitation payments.

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 organisation.
- failure to observe, or breaches of, regulations and/or other associated legislation laid down by the trust.
- 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.
- using 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.

2.6 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 chief executive officer.

3 Gifts & Hospitality:

The trust has a separate Gifts & Hospitality Policy covering these issues.

4 Political & charitable contributions

- The trust does not make any contributions to politicians, political parties, or election campaigns.
- As a responsible member of society, the trust may make charitable donations. However, these payments shall not be provided to any organisation upon suggestion of any person of the public or private sector in order to induce that person to perform improperly the function or activities which he or she is expected to perform in good faith, impartially or in a position of trust or to reward that person for the improper performance of such function or activities.
- Any donations and contributions must be ethical and transparent. The recipient's identity and planned use of the donation must be clear, and the reason and purpose for the donation must be justifiable and documented. All charitable donations will be publicly disclosed.
- Donations to individuals and for-profit organisations and donations paid to private accounts are incompatible with the trust's ethical standards and are prohibited.

5 Sponsoring

- Sponsoring means any contribution in money or in kind by the trust towards an event organised by a third party in return for the opportunity to raise the trust's profile.
- All sponsoring contributions must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the consideration offered by the event host. They may not be made towards events organised by individuals or organisations that have goals incompatible with the trust's ethical standards or that would damage the trust's reputation. All sponsorships will be publicly disclosed.
- Where commercial sponsorship is used to fund the trust's training events, training materials and general meetings, the sponsorship must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the occasion. Where meetings are sponsored by external sources, that fact must be disclosed in the papers relating to the meeting and in any published minutes / proceedings.

6. Roles and Responsibilities:

6.1 Members, trustees, governors, and employees

The Claxton Trust has adopted the following measures to demonstrate its commitment to anti-fraud and corruption:

- The board, audit committee and local governing bodies meet regularly
- A requirement for all members, trustees, governors, and employees to declare pecuniary and personal interests and not contribute to business related to that interest
- All members, trustees, governors, and employees are made aware of the understanding on the acceptance of gifts and hospitality
- Clear recruitment policies and procedures

Members, trustees, governors, and employees also have a duty to report another member, trustee, governor, or employee whose conduct is believed to represent a failure to comply with the above.

6.2 Accounting Officer

The accounting officer has specific responsibility for overseeing the financial arrangements on behalf of the governors. The main duties of the accounting officer are to provide the governors with on-going independent assurance that:

- The financial responsibilities of the governors are being properly discharged
- The resources are being managed in an efficient, economical, and effective manner

- Sound systems of financial control are being maintained
- Financial considerations are fully considered in reaching decisions

6.3 Chief financial officer

The chief financial officer has a responsibility for ensuring that effective systems of internal controls are maintained and will safeguard the resources of The Claxton Trust.

In respect of fraud, it is therefore the responsibility of the chief financial officer 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 trust's financial position

The chief executive officer will report all instances of fraud to the board.

6.4 The board of trustees

The board will report to the Education Funding and Skills Agency any instances of fraud or theft above £5,000 against the trust whether by members, trustees, governors, and employees or third parties; or where fraud is unusual or systematic in nature.

6.5 External Audit

The trust'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 the trust has kept proper accounting records 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 of Education.

7. Reporting a suspected fraud or irregularity

7.1 All allegations of suspected fraud and irregularities are to be brought to the attention of the chief financial officer and referred to the chief executive officer unless this individual is involved in the irregularity in which case the chair of the board should be informed.

The whistleblowing policy should be referred to for further guidance.

8. Response to allegations

8.1 The chief executive officer will have initial responsibility for co-ordinating the initial response. In doing this, advice may be sought from external human resources advisory services regarding potential employment issues. The chief executive officer may also seek legal advice from the trust's solicitors or legal advisory services on both employment and litigation issues before taking any further action.

8.2 The chief financial officer and chief executive officer will ascertain whether 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 board. Even if there is no evidence to support the allegation, the matter must be reported.

8.3 The audit committee will undertake the management of the investigation.

- They will, if appropriate, conduct a preliminary investigation to gather 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 the board.
- If further investigations are required, they will determine which outside agencies should be involved (police, auditors).

8.4 The chief executive officer is required to notify the board of trustees of any serious financial irregularities. This action will be taken at the first opportunity following the completion of the initial investigations.

8.5 If evidence of fraud is forthcoming then the board of trustees will inform the Department for Education as required by the Funding Agreement and will consider whether to refer the matter to the police.

9. Confidentiality and Safeguarding

9.1 The Claxton 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 trust 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.

9.2 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 because of the concern being reported.

9.3 There is a need to ensure that the process is not misused. For further guidance refer to the Disciplinary, Grievance and Capability policies.

10. Links with other policies

10.1 The board of trustees 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 Corruption policy attempts to consolidate those in one document and should be read in conjunction with the following policies:

- Disciplinary Policy
- Equal Opportunities Policy
- Gifts & Hospitality
- Internal Control Framework
- Whistleblowing Policy

The Education and Skills Funding Agency has provided a Fraud Indicators check list and can be obtained from

<https://www.gov.uk/government/publications/indicators-of-potential-fraud-learning-institutions>