



CATHOLIC AND  
CHURCH OF ENGLAND  
PRIMARY SCHOOL



Our Lady  
Help of Christians

*I have come that they may have life and have it to the full  
(John 10:10)*

## **ANTI-FRAUD, BRIBERY AND CORRUPTION POLICY**

Commented [ELA1]: This sits better within this policy, rather than in the Gifts and Hospitality procedure

**This policy is taken from the OLHOC Trust Handbook of Statutory policies and should be read in conjunction with the other policies within the document.**

**Revised Edition September 2023**

## ANTI-FRAUD, BRIBERY AND CORRUPTION POLICY

Commented [ELA2]: This sits better within this policy, rather than in the Gifts and Hospitality procedure

### 1. Introduction

- 1.1. This Policy should be read in conjunction with the Code of Conduct applying to employees and the Whistleblowing policy. The Code relates to conduct with regard to both financial and non-financial matters. Breaches of the Code by employees may result in disciplinary action being taken in accordance with the various Conditions of Service. This policy should also be read in conjunction with the Gifts and Hospitality Policy and Whistleblowing Policy.
- 1.2. This policy applies to all persons working for the Trust or on its behalf in any capacity and this includes employees, directors, members, officers, trustees, agency workers, seconded workers, volunteers, contractors, external consultants, third-party representatives and business partners, sponsors and any other person associated with the Trust (collectively referred to as “workers” in this policy”),

### 2. Expectations

- 2.1. The Trust expects all workers to conduct themselves at all times having regard to the very highest standards of conduct, probity and confidentiality. The Trust conducts all its business in an honest and ethical manner and takes a zero-tolerance approach to fraud, bribery and corruption. The Trust is committed to acting professionally, fairly and with integrity in all its business dealing and relationships and operates, implements and enforces effective systems to counter bribery. The Trust has taken reasonable steps to ensure that there are appropriate financial and management controls in place to safeguard Trust funds and assets and to prevent and detect fraud and corruption.
- 2.2. The Trust upholds all laws relevant to countering fraud, bribery and corruption, including the Bribery Act 2010.
- 2.3. Bribery and corruption are punishable for individuals by up to 10 years’ imprisonment and if the Trust is found to have taken part in corruption it could face an unlimited fine and face damage to its reputation.

### 3. What is Bribery?

- 3.1. **A bribe is an inducement or reward offered, promised or provided in order to gain any improper commercial, contractual, regulatory or personal advantage.**
- 3.2. **It is an offence for a person (P) to offer, promise or give a financial advantage or other advantage to another person in one of two cases:**
  - 3.2.1. **Where P intends the advantage to bring about the improper performance by another person of a relevant function or activity or to rewards such improper performance.**
  - 3.2.2. **Where P knows or believes that the acceptance of the advantage offered, promised or given in itself constitutes the improper performance of a relevant function or activity.**

- 3.3. **Before any worker offers or accepts any inducement or reward to or from any supplier or other third-party, they should ask themselves:**
  - 3.3.1. **Whether the person receiving the benefit would be happy for their employer, trustees, governors etc. to have knowledge of the arrangements; and**
  - 3.3.2. **Whether the interests of the person receiving the benefit are, as a result of so receiving, in conflict with the interests of their employer; and**
  - 3.3.3. **Whether a reasonable person having knowledge of the arrangements would consider that the benefit was offered or provided to induce a person towards improper conduct such as committing a breach of trust or acting in bad faith or showing bias when there is a duty to be impartial.**
- 3.4. **If the person receiving the benefit would rather keep the arrangements secret from their employer and/or their interests have diverged from their employer and/or a reasonable person would consider the benefit given or received as inducement or rewards for improper conduct – the activity is likely to amount to a bribe.**
4. **Gifts and Hospitality**
  - 4.1. **This policy does not prohibit normal and appropriate hospitality (given or received) to or from third parties. Please refer to the Gifts and Hospitality Policy in this handbook for further information.**
5. **Facilitation Payments and Kickbacks**
  - 5.1. **The Trust does not make, and will not accept, facilitation payments or “kickbacks” of any kind.**
  - 5.2. **Facilitation payments are typically small, unofficial payments made to secure or expedite a routine government action by a government official. They are not commonly paid in the UK but are common in other jurisdictions.**
  - 5.3. **Kickbacks are typically payments made in return for a business favour or advantage.**
  - 5.4. **If you are asked to make a payment on the Trust’s behalf, you should be mindful of what the payment is for and whether the amount requested is proportionate to the goods and services provided. You should always ask for a receipt which details the reason for the payment. If you have any suspicions or concerns regarding a payment, you should raise these with the local academy Business Manager.**
  - 5.5. **All workers must avoid any activity that might lead to, or suggest, that a facilitation payment or kickback**
6. **Donations**
  - 6.1. **The Trust does not make contributions to political parties. It only makes charitable donations that are legal and ethical under local laws and practices. Charitable donations that are approved and are legal and ethical under local laws and practices are made through collections and activities and paid via the Trust or local academy fund.**
7. **Workers Responsibilities**

7.1. **The prevention, detection and reporting of fraud, bribery and other forms of corruption are the responsibility of all those working for the Trust. All workers are required to avoid any activity that might lead to or suggest a breach of this policy.**

7.2. **You must notify the local academy Business Manager as soon as possible if you believe or suspect that a conflict with this policy has occurred, is occurring or may occur in the future.**

7.3. **Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct if the allegation(s) is/are proven. The Trust reserves the right to terminate a contractual relationship with other workers if they breach this policy.**

## **8. Record Keeping**

8.1. **The Trust must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.**

8.2. **You must declare and keep a written record of all hospitality or gifts accepted or offered, which will be subject to managerial review.**

8.3. **You must ensure that all expense claims relating to gifts, hospitality or expenses incurred to third parties are submitted in accordance with the Trust's Expenses Policy and specifically record the reason for the expenditure.**

8.4. **All accounts, invoices, memoranda and other documents and records relating to dealings with third parties, such as supplies or business contacts, should be prepared and maintained with strict accuracy and completeness. No accounts must be kept "off-book" to facilitate or conceal improper payments.**

## **9. How to Raise a Concern**

9.1. You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes bribery or corruption, or if you have any other queries, these should be raised with the local academy Business Manager in the first instance. Concerns should be reported by following the procedure set out in the Whistleblowing Policy.

## **10. Allegations of Fraud and Corruption Overview**

10.1. The Trust will fully investigate any allegations of fraud, bribery and corruption as soon as the allegation is notified in accordance with the procedures detailed below. If a worker suspects that improper, fraudulent or corrupt behaviour has occurred within the Trust, the following procedures should be undertaken (it is to be emphasised that the identity of the individual will be kept confidential so long as it does not hinder any subsequent investigation).

10.2. An immediate note should be made by the worker of the concerns; all relevant details of conversations, dates, times and names should be noted.

10.3. Other than in the circumstances noted below, in order to ensure that the Trust does not suffer any loss of any nature, full details of the matter, including notes, should be reported without delay to the CEO. The CEO will decide on the appropriate investigation or action that should be taken.

## **11. Allegations Against Employees of the Trust**

- 11.1. Any allegations of wrongdoing made against a worker or workers of the Trust will be investigated.

## **12. Allegations Against Students of the Trust**

- 12.1. Any allegations of wrongdoing made against a student or students of the Trust will also be investigated.

## **13. Following Initial Allegations**

- 13.1. Any allegations relating to an individual's financial conduct will be reported without delay to the CEO. The CEO will then decide on the most appropriate action to be taken in order to reduce the possibility of any financial loss to the Trust. The CEO will also instruct the Trust's Internal Auditors to carry out an investigation and to report subsequently to the Finance Committee.
- 13.2. Where for whatever reason the worker making an allegation considers it inappropriate to follow the procedure above, the matter should be reported directly to the Chair of the Local Governing Body as appropriate. Such allegations might be in respect of the behaviour of a senior officer of the Trust, a lay member of the Local Governing Body or about the propriety of a committee or other collective decision. A worker may use this route if they are concerned that use of the above procedures may jeopardise their position within the Trust. Please refer to the Whistleblowing policy for additional information.
- 13.3. In any case where an allegation has been made, the person to whom the allegation is reported should make a record of its receipt and of what subsequent action is taken. Any allegation made under this procedure will be the subject of a preliminary investigation either by the person to whom the allegation is made, or more usually by a person or persons appointed by the CEO. The allegation shall be reported in confidence to the Audit Committee at the commencement of the investigation and the results reported to them at its conclusion.

## **14. Allegations are Dismissed**

- 14.1. Where an allegation is dismissed after an investigation, the person or persons against whom the allegation is made will be told of the allegation, the evidence supporting it and be allowed to comment before the investigation is concluded and a report made to the Audit Committee. The Audit Committee should satisfy itself that there is no case to answer and report their findings and reasons to the complainant.

## **15. Confidentiality**

- 15.1. Any person making any allegation shall be guaranteed that the allegation shall be regarded as confidential to the receiver and, in some cases, the Director of Finance, until an investigation is launched. Thereafter the identity of the person making the allegation may be kept confidential, if requested, unless this is incompatible with a fair investigation, or if there is an overriding reason for disclosure (for example, if police involvement is required).

- 15.2. Provided the allegation has been made lawfully, without malice and in the public interest, the employment position of the person will not be disadvantaged for reasons of making the allegation.

## **16. ESFA**

- 16.1. The Trust Board **must** notify ESFA, as soon as possible, of any instances of fraud, theft and/or irregularity exceeding £5,000 individually, or £5,000 cumulatively in any financial year. Unusual or systematic fraud, regardless of value, **must** also be reported. The following information is required:
- 16.1.1. full details of the event(s) with dates
  - 16.1.2. the financial value of the loss
  - 16.1.3. measures taken to prevent recurrence
  - 16.1.4. whether it was referred to the police (and if not why)
  - 16.1.5. whether insurance or the RPA have offset any loss.

## **17. What to do if you are a victim of fraud, bribery or corruption**

- 17.1. It is important that you tell your manager or the local academy Business Manager as soon as possible if you are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that you are a victim of another form of unlawful activity.

## **18. Protection**

- 18.1. Workers who refuse to accept or offer a bribe, or those who raise concerns or report another's wrongdoing, are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.
- 18.2. The Trust is committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your manager immediately. If the matter is not remedied, and you are an employee, you should raise it formally using the Grievance Policy and Procedure, which can be found in this handbook.

## **19. Training and Communication**

- 19.1. Training on this policy forms part of the induction process for all new Staff. All existing Staff will receive regular, relevant training on how to implement and adhere to this policy.

19.2. The Trust's zero-tolerance approach to bribery and corruption must be communicated to all suppliers, contractors and business partners at the outset of its business relationship with them and as appropriate thereafter.

**20. Responsibility for this Policy**

20.1. The Trustees have overall responsibility for ensuring this policy complies with all legal and ethical obligations and that all those under the Trust's control comply with it.

20.2. The CEO / Principal / Head Teacher has primary and day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation. Management at all levels are responsible for ensuring those reporting to them are made aware of and understand this policy and are given adequate and regular training on it.

20.3. The CEO / Principal / Head Teacher will monitor the effectiveness and review the implementation of this policy, regularly considering its suitability, adequacy and effectiveness. Any changes to this policy will be considered, and ratified (as appropriate) by the Trust Board.

20.4. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in countering fraud, bribery and corruption.

20.5. All staff are responsible for the success of this policy and should ensure they use it to disclose any suspected danger or wrongdoing.

20.6. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the CEO / Principal / Head Teacher.

**Commented [JUD3]:** Revised to mirror the Gifts and Hospitality Policy