

## Anti-Fraud, Bribery and Corruption Policy

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## Employee Wellbeing

Tandridge Learning Trust is committed to promoting the positive mental, physical and emotional wellbeing of its staff and recognises that enhancing individual wellbeing offers benefits not just to our staff but also to the wider communities within our organisation.

As such, when implementing this policy, consideration will be given to the impact on workload and wellbeing and take appropriate action to monitor, mitigate and support all those involved in its application.

## Public Sector Equality Duties

Tandridge Learning Trust is committed to equality, both as an employer and a service provider. We welcome our general duty under the Equality Act 2010 to eliminate discrimination, to advance equality of opportunity and to foster good relations. We will ensure diligence in regard of our specific duties. This policy will be consistently and fairly applied to all stakeholders, with due regard for ensuring no-one experiences less favourable treatment in its application.

## Introduction

The Tandridge Learning Trust is required by law to protect the public funds it administers, and its Trustees are required under charity law to safeguard its assets. In conducting business, relevant legislation is complied with, including the Fraud Act 2006, the Bribery Act 2010, the Academies Trust Handbook, Academies Accounts Direction, Companies Act 2006, appropriate Charities SORP and the Trusts Finance Policy.

The Trust maintains a zero-tolerance approach to theft, fraud, bribery and corruption, whether it is attempted from outside the Trust (the public, clients, partners, contractors, suppliers or other organisations) or within (employees).

This policy aims to ensure that:

- MAT funds are used only in accordance with the law, its articles of association, its funding agreement, the latest Academies Trust Handbook and Finance Policy and Regulations
- The Trust and those associated with it operate in a way that commands broad public support
- The Trust has due regard for propriety and regularity, and ensures value for money, in the use of public funds
- Trustees fulfil their fiduciary duties and wider responsibilities as charitable trustees and company directors.

## Definitions

### Fraud

The Audit Commission's 'Protecting the Public Purse' defines fraud as an intentional false representation, including failure to declare information, or an abuse of position carried out to make gain, cause loss or expose another to the risk of loss.

The Fraud Act 2006 defines fraud in three ways:

- False representation, i.e. it is untrue or misleading, and the person making the representation knows that it is.
- Failure to disclose information where there is a legal duty to do so.
- Abuse of position i.e. applies to those occupying a position in which they are expected to safeguard, or not to act against, the financial interests of another.

The Chartered Institute of Public Finance and Accountancy (CIPFA) define fraud as:

*'the intentional distortion of financial statements or other records by persons internal or external to the organisation which is carried out to conceal the misappropriation of assets or otherwise for gain.'*

Fraud is different to theft, which is defined in the 1968 Theft Act as:

*'A person shall be guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it.'*

## Bribery

The bribery Act 2010 makes it an offence to:

*'offer, promise or give a financial or other advantage to another person with the intention of inducing them to perform their functions improperly, or to reward them for having done so.*

*request, agree to receive or accept a financial or other advantage as the reward for an improper function or activity.'*

## Corruption

'The offering, giving, soliciting or accepting of any inducement or reward which would influence the actions taken by the body, its members or officers.'

**The term 'fraud' is used throughout this document and for this purpose also includes theft, bribery and corruption.**

## Trust Expectations and Policy Statement

Tandridge Learning Trust promotes a culture of openness with the core values of trust, respect and responsibility enshrined within it. The Trust expects all persons associated with it and those acting as its agents to conduct themselves in accordance with the seven principles of public life as defined by the Nolan Committee 1995. The seven principles are: honesty, integrity, selflessness, objectivity, openness, accountability and leadership

The Trust requires Trustees, Members, Governors and employees at all levels to lead by example in adhering to legal requirements, financial rules, contract procedure rules, codes of conduct, and prescribed procedures and practices.

The Trust requires senior staff to design and operate systems and procedures that will minimise losses due to fraud and other dishonest action.

The Trust expects all persons connected to the Trust to be alert to the possibility of fraud in all their dealings.

The Trust will provide clear routes by which concerns can be raised internally by Trustees, Members, Governors and employees, and externally by other stakeholders and the public.

Theft, fraud, bribery and corruption are serious offences, and anyone found guilty of such offences will face disciplinary action. Where appropriate, cases will be referred to the Police.

A key measure in the prevention of fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the previous record of potential employees in terms of their propriety and integrity. Employee recruitment should, therefore, be in accordance with the procedures laid down by the Recruitment and Selection Policy and include:

- obtaining references and checking qualifications;
- confirming the right to work in the United Kingdom; and
- checks by the Disclosure and Barring Service.

The recruitment of temporary and permanent employees is dealt with in a similar manner.

## Anti-Fraud, Bribery and Corruption Strategy

### Objectives of the Anti-Fraud, Bribery and Corruption Strategy

The Strategy describes the Trusts approach to minimising the risk of fraud. The key objective of the Strategy is to enable the Trust to reduce the opportunity for fraud and to create a culture where fraud is unacceptable.

### How the Trust manages the risk of fraud, bribery and corruption

The way in which the Trust manages the risk of fraud, bribery and corruption is shown diagrammatically in the Anti-Fraud, Bribery and Corruption Framework, which can be seen in [Appendix 1](#).

Tandridge Learning Trust expects all its employees, Trustees/Members, partners, contractors, the public, clients and organisations to notify the designated Trust senior managers if fraud is suspected. This is known as whistle blowing. In

## Anti-Fraud, Bribery and Corruption Policy (including Cybercrime response)

In addition, an employee, raising concerns in good faith, should be aware of the protection afforded to them by the Public Interest Disclosure Act (PIDA) 1998.

Examples of concerns may include the following:

- criminal offence eg theft, fraud;
- false documentation;
- failure to comply with a statutory or legal obligation;
- improper use of public or other funds;
- abuse of the School/Trust's systems;
- maladministration, misconduct or malpractice;
- endangering health and safety;
- damage to the environment;
- misuse of an individual's personal position;
- the offer or acceptance of a bribe; and/or
- deliberate concealment of any of the above.

All information or concerns received will be treated seriously and in strict confidence and employees should raise issues with their line manager in the first instance. If anyone feels unable to speak to their line manager, they should contact one of the following:

- the Director of Finance (DoF) of the Trust [b.rush@tandridgelearningtrust.co.uk](mailto:b.rush@tandridgelearningtrust.co.uk)
- the trustee who chairs the finance and audit committee [a.ghattas@tandridgelearningtrust.co.uk](mailto:a.ghattas@tandridgelearningtrust.co.uk)

Trustees/Members, the public, partners, contractors and organisations can also contact the Tandridge Learning Trust via these contacts if they suspect fraud.

If anyone feels unable to raise their concerns in the above ways, then they may wish to consult Whistle blowing charity Protect on 020 7404 6609, which is a registered charity providing free and strictly confidential advice.

All allegations of fraud received should be referred to the Trust DoF for recording and a decision on how an investigation should proceed in line with the Fraud Response Plan.

## Roles and Responsibilities (Leadership and Management)

The responsibility for anti-fraud arrangements is widely dispersed but clarity of key roles and responsibilities is a key component of the framework. Trustees have to give clear support to the Trust's arrangements. The Trust Board and Trust senior managers must provide strong leadership by advocating the Trust's arrangements and supporting strong action if these are ignored.

The Trustees are responsible for ensuring there are strong and effective arrangements in place for managing the risk of fraud and ensuring the Trust's interests are safeguarded, including its reputation. Risk is managed through the trust risk register and application of appropriate policies and procedures.

The Academies Trust Handbook 2021 has been updated to also include cybercrime. It states:

*Academy trusts **must** be aware of the risk of fraud, theft and irregularity and address it by putting in place proportionate controls. Trusts **must** take appropriate action where fraud, theft or irregularity is suspected or identified.*

The board of trustees must notify the 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:

- full details of the event(s) with dates
- the financial value of the loss
- measures taken to prevent recurrence
- whether it was referred to the police (and if not why)

## Anti-Fraud, Bribery and Corruption Policy (including Cybercrime response)

- whether insurance or the RPA have offset any loss.

ESFA may conduct or commission investigations into actual or potential fraud, theft or irregularity in any academy trust, either because of a notification from the trust itself or from other information received. ESFA may involve other authorities, including the police.

ESFA will publish reports about its investigations and about financial management and governance reviews at academy trusts.

ESFA also publishes guidance on reducing fraud. Trusts should refer to this and to the findings from ESFA's investigation reports, as part of its risk management approach.

### Cybercrime

Academy trusts must also be aware of the risk of cybercrime, put in place proportionate controls and take appropriate action where a cyber security incident has occurred.

Trusts must obtain permission from ESFA to pay any cyber ransom demands. ESFA supports the National Crime Agency's recommendation not to encourage, endorse, or condone the payment of ransom demands. Payment of ransoms has no guarantee of restoring access or services and is likely to result in repeat incidents.

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All employees of the Trust have a responsibility to preventing fraud. A full list of respective responsibilities can be found in [Appendix 2](#).

## Trusts Response Plan to Fraud

The remainder of this document outlines the Trusts Response Plan to Fraud:

### Objective of the Fraud Response Plan

To ensure that prompt and effective action can be taken to:

- Prevent losses of funds or other assets where fraud has occurred and to maximise recovery of losses
- Identify the perpetrator and maximise the success of any disciplinary or legal action taken
- Reduce adverse impacts on the Trust and its schools
- Minimise the occurrence of fraud by taking prompt action at the first sign of a problem
- Minimise any adverse publicity for the organisation suffered as a result of fraud
- Identify any lessons learned which can be acted upon in managing fraud in the future

### Key Procedures and Controls

The following key procedures and controls operate within the Trust:

- The Trust has an effective Anti-Fraud, Bribery and Corruption Policy and Strategy, and maintains a culture that will not tolerate fraud, bribery or corruption
- All persons associated with the Trust comply with respective Codes of Conduct eg Staff Behavioural Policy
- A Register of Interests is maintained to enable Trustees, Governors and employees to record any financial or non-financial interests that may bring about conflict with the Trust's interests
- A Register of Gifts and Hospitality is maintained to enable Trustees, Governors and employees to record gifts and hospitality either received, offered and declined.
- Confidential Reporting (Whistle blowing) procedures are in place and operate effectively
- Suitable and enforced financial and contract procedure rules are in place
- There are robust recruitment and selection procedures and Safer Recruitment procedures are always followed
- There are clear and active disciplinary arrangements

## Anti-Fraud, Bribery and Corruption Policy (including Cybercrime response)

- Sanctions are pursued against those who commit fraud through an agreed prosecutions and civil recovery procedure.

The Trust is fully committed to ensuring that the examples of best practice indicated above are an integral part of its operations.

### Deterring Fraud

The wide range of procedures in place to minimise the risk of fraud constitute a major part of the Trust's system of Internal Control, which is designed to ensure the Trust conducts its business properly and effectively and accounts for its transactions fully, accurately and properly.

The Trust aims to have in place efficient and effective systems of control that as far as possible prevent potential fraudsters from exploiting weaknesses. The prime responsibility for maintaining such systems lies with the Chief Executive Officer (CEO), who is also the Trust's Accounting Officer (AO) with support and advice from the Director of Finance (DoF) and Independent audit reports, which provide an independent appraisal of the integrity of all internal control systems.

This Fraud Response Plan forms part of the overall Strategy against fraud and covers the School's response to suspected or apparent irregularities affecting resources belonging to or administered by the Trust, or fraud perpetrated by contractors and suppliers against the Trust.

It is important that managers know what to do in the event of fraud so that they can act without delay. The Fraud Response Plan provides such guidance to ensure effective and timely action is taken. Other documents that should be referred to when reading the Plan include:

- Staff Behaviour Policy (Code of Conduct)
- Disciplinary and Capability Procedure
- Finance Policy & Regulations

The Trust uses a number of ways to deter potential fraudsters from committing or attempting fraudulent or corrupt acts (including bribery) whether they are inside and / or outside of the Trust, including:

- Publicising at every opportunity the Trust's determination to prevent and detect fraud, bribery and corruption - eg clauses in contracts
- Acting robustly and decisively when fraud, bribery and corruption are suspected and proven – eg. the termination of contracts, dismissal, prosecution etc.
- Taking action to recover any losses through fraud – e.g. through agreement, Court action, penalties, insurance etc.
- Having sound internal control systems, which limit opportunities for fraud, bribery and corruption.

### Detection and Investigation

It is the responsibility of all persons associated with the Trust to prevent and help detect fraud, bribery and corruption. High risk areas have been identified on the 'Risk Register' and their impact and any mitigating actions required, assessed by Trustees and the Trust Leadership.

It is often the alertness of employees and the Public that enables frauds to be detected. The following explains what to do and not do when suspecting fraud:

### How to respond to an allegation of theft, fraud or corruption

#### Initial Response

Listen to the concerns of staff and treat every report seriously and sensitively.

Obtain as much information as possible, including any notes or evidence to support the allegation.

- Do not confront or accuse anyone directly at this stage.
- Do not interfere with evidence and ensure it is kept secure.
- Do not try and investigate the matter yourself.



## Anti-Fraud, Bribery and Corruption Policy (including Cybercrime response)

- Do not discuss with anyone else other than the appropriate level of authority

Contact the Director of Finance to discuss the allegation and agree any proposed action. An evaluation of the case should include the following details:

- Outline of allegations
- Officers involved, including job role and line manager
- Amount involved / materiality / impact
- Involvement of any other parties
- Timescales – one off or ongoing
- Evidence – where held and access

Where it is appropriate to do so (i.e. without alerting the alleged perpetrator), initial enquiries may be made by the manager or DoF, to determine if there actually does appear to be an issue of fraud or other irregularity.

During the initial enquiries, senior managers should:

- Determine the factors that gave rise to the suspicion
- Examine the factors to determine whether a genuine mistake had been made or whether a fraud or irregularity has occurred
- Where necessary, carry out discreet enquiries with staff and/or review documents
- 

The Head Teacher and/or CEO should be informed of the results of the initial enquiry so that the case can be closed or a more detailed investigation organised.

The DoF has the power to access documents, obtain information and explanations from any officer for the purpose of audit.

Where the initial enquiry appears to indicate misconduct by an employee the DoF will (if appropriate) inform the relevant Head Teacher and/or CEO of:

- All the evidence gathered; and
- The actions proposed with regard to the employee (e.g. suspension or redeployment) or any other action taken to prevent further loss.
- 

The line manager of the employee should liaise with the DoF and HR Manager and be aware of the Trusts requirements regarding the disciplinary process. If suspension is necessary, it needs prior approval as specified in the Scheme of Delegation.

If it is found that an allegation has been made frivolously disciplinary action may be taken against the person making the allegation. If it is found that an allegation has been made maliciously, or for personal gain, then disciplinary action should be taken against the person making the allegation.

The Trust would prefer you not to provide information anonymously as it may be necessary for you to provide further information. However, all anonymous information that is received will be investigated.

All reported suspicions will be dealt with sensitively and confidentially.

The investigation of small scale fraud rests on a day to day basis with the DoF and may include support from other leadership members, as appropriate.

### Internal Investigation

The materiality of the fraud and the circumstances may mean a formal internal investigation is required. The relevant person(s) to carry out an internal investigation will be determined by the DoF/Chair of the Finance and Audit Committee, usually in conjunction with the Trust CEO.

### Investigating Officer

The Investigating Officer will:

- Deal promptly with the matter;
- Record all evidence that has been received;
- Ensure that evidence is sound and adequately supported;
- Secure all of the evidence that has been collected;
- Where directed by the DoF/CEO contact other agencies (e.g. Police, Serious Fraud Office);
- Where directed by the DoF arrange for the notification of the School's insurers (RPA);
- Report to the CEO/DoF and/or Chair of the Finance and Audit Committee and, where appropriate, recommend that disciplinary action and/or criminal action be taken in accordance with this Strategy and the Trust's Disciplinary and Capability Procedures;
- Seek advice if criminal acts are being investigated to ensure any interview of potential suspects is in line with the guidance of the Police and Criminal Evidence Act 1984 (PACE); and
- Not employ surveillance techniques without seeking advice on the Regulation of Investigatory Powers Act 2000 (RIPA), as modified by the Protection of Freedoms Act 2012, to ensure actions are compliant with RIPA and appropriate authorisation is obtained

### Reporting, Monitoring and Training

The DoF will ensure that a log is maintained of all reported incidents at the Trust.

The Trust recognises that the success of its Anti-Fraud, Bribery and Corruption Strategy and its general credibility depends significantly on the effectiveness of training, communication, and the responsiveness of employees throughout the Trust. The Trust provides induction and training programmes that ensure Senior Managers associated with the Trust are kept up to date on the Trust's arrangements for managing the risk of fraud.

It is then the responsibility of senior managers in the Trust to ensure that all of their staff, including agency and temporary employees have an awareness and adhere to internal controls and procedures.

### Audit

Internal Audit is a key element of the Trust's internal control system.

Internal Audit reviews are carried out by independent auditors external to the Trust and are overseen by the Finance, Audit & Risk Committee. The auditors carry out a risk based series of audits designed to assess the Trust's identification and management of fraud risks.

Trust senior leaders, as appropriate, would also be involved in investigations into any irregularities, as required, and determined by the DoF and/or Chair of the Finance and Audit Committee.

The Trust is working towards a more centrally coordinated finance and business function, which will mean reviews of local practices and internal controls to ensure consistency of accounting procedures and processes with clear segregation of duties.

### Culture

The importance of a positive proactive culture towards anti-fraud cannot be overstated. The effectiveness of the Trust's arrangements can be undermined by a culture that does not apply the public standards and abide by the key supporting policies and procedures routinely on a day to day basis.

A positive approach to anti-fraud relies heavily on senior managers promoting adherence to Trust policies and procedures and therefore needs to be a key performance objective for all senior managers across the Trust. Senior managers need to take robust action when due process is not followed. This all helps to build the right underpinning culture.

The Trust will continue to assess the culture and ensure its actions promote a positive influence.

## Raising Concerns

In accordance with the Trust's 'Whistleblowing Policy', anyone with any concerns should normally raise these through their immediate manager or senior management.

## Sanctions and Redress

### Disciplinary Action

Appropriate disciplinary action will be taken as set out in the School's Disciplinary and Capability Procedures, under the advice of the Trust HR Manager.

### Police

All referrals to the Police should only be made by the DoF and/or the Chair of the Finance and Audit Committee, usually in conjunction with the CEO.

### Recovery of Losses

Where the Trust has suffered a loss, restitution will be sought of any benefit or advantage obtained and the recovery of costs will be sought from individual(s) or organisations responsible.

Where an employee is a member of the Tandridge Learning Trust pension scheme and is convicted of fraud, the Trust may be able to recover the loss from the capital value of the individual's accrued benefits in the scheme, which are then reduced as advised by the actuary.

The Trust will also take civil action, as appropriate, to recover the loss.

Any instances of fraud or theft: above £5,000 against the Trust whether by employees, trustees or third parties; or where fraud is unusual or systematic in nature must be reported to the ESFA.

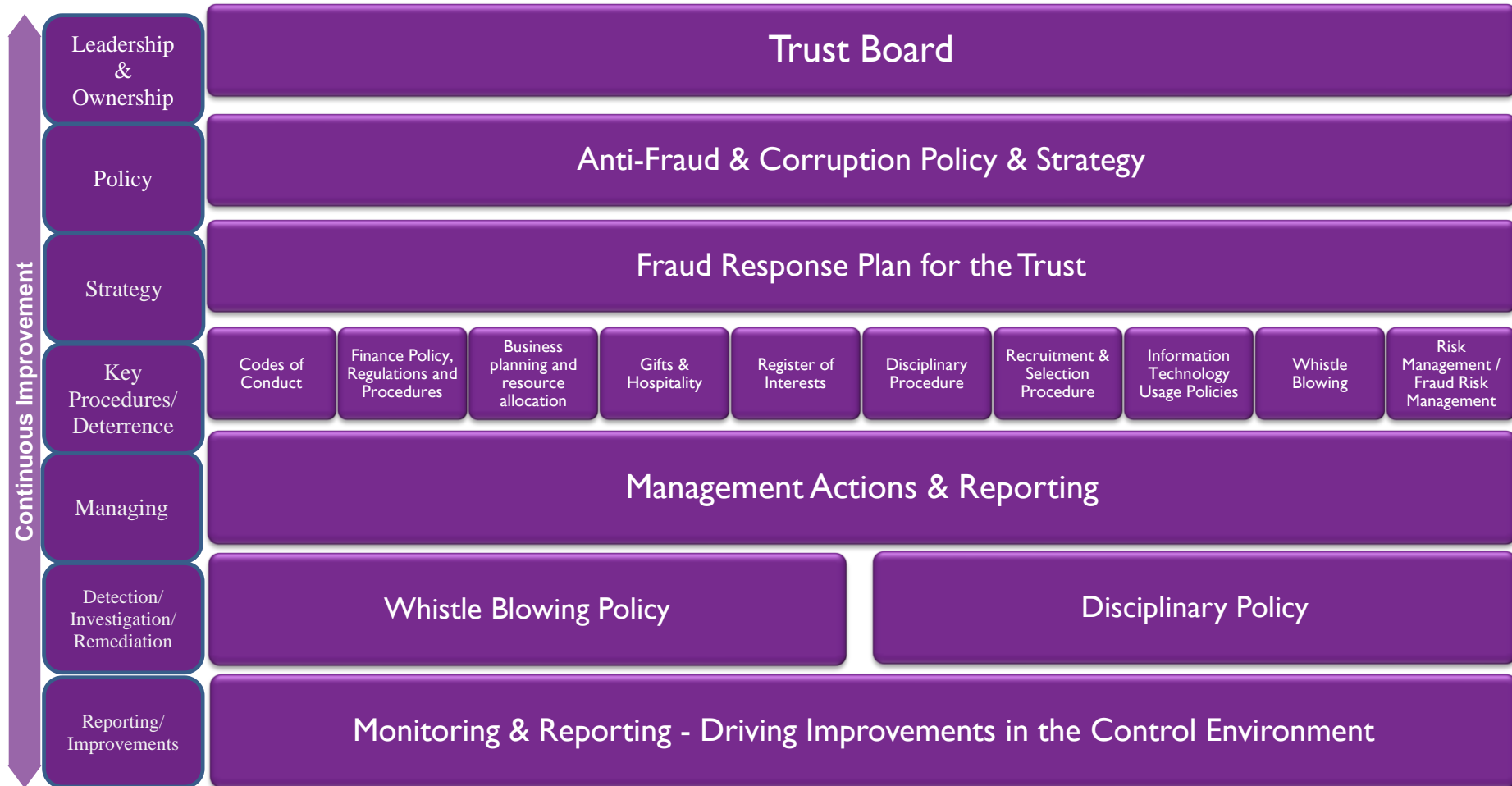
After any investigation, sanctions should be applied where fraud has been found to have been committed. The Trust will pursue criminal and civil action in a robust, consistent and proportionate manner. The Trust will pursue a range of options, as appropriate to each case.

## Conclusion

The Tandridge Learning Trust has in place systems and procedures to assist in the fight against fraud and corruption. The DoF will monitor the success of these measures to ensure internal controls and procedures are adequate and are being adhered to. This strategy will be subject to regular review by the Finance, Audit and Risk Committee and approved by the Board of Trustees.

Appendix 1 – Anti-fraud, Bribery and Corruption Framework

**Tandridge Learning Trust**  
**APPENDIX I: ANTI-FRAUD, BRIBERY AND CORRUPTION FRAMEWORK**



## Appendix 2 – Roles and Responsibilities

### The Trust Board must

- be responsible for the overall internal controls and risk management arrangements of the Trust
- promote an organisational culture that accords with the Nolan Committee's 7 principles of public life
- ensure controls are put in place that minimise the risk of fraud
- develop and maintain an Anti-Fraud, Bribery and Corruption Policy
- promote and maintain high standards of conduct
- notify the ESFA of instances of fraud exceeding £5,000

### The CEO & DoF will

- maintain adequate and effective internal control arrangements as per the relevant Academies Trust Handbook and all other DfE guidance
- update and communicate the Trust Finance Policy & Financial Regulations to clarify accountabilities, procedures and controls
- ensure that all suspected financial irregularities are reported to the Finance, Audit & Risk Committee
- instigate the Trust's disciplinary procedures where the outcome of an investigation indicates improper behaviour.
- advise the Police where sufficient evidence exists to believe that a criminal offence may have been committed

### Senior Staff will

- ensure that all suspected financial irregularities or financial impropriety brought to their attention are reported to the CEO and/or DoF.
- comply with the Academies Trust Handbook, Finance policy and all other policies and guidance issued by the Trust/DfE.
- Implement and maintain effective control systems designed to prevent and detect fraud within their responsibility
- ensure all their staff are adequately trained on procedures and controls to be complied with
- ensure proper procedures are being followed by themselves and their staff – recognising they have a statutory duty to account for public money committed to their charge
- follow prescribed safer recruitment procedures aimed at recruiting high quality and honest staff.
- create an environment where staff feel able to approach them with any concerns that they may have about suspected irregularities.

### The DoF will

- support managers in preventing and detecting fraud, bribery and corruption
- provide policies and guidance on the appropriateness and effectiveness of systems and procedures.
- Provide updates and communicate key changes to policies, procedures and guidance by the Trust/DfE.

### The External Auditor and Responsible Officer will

- carry out specific reviews that are designed to test (amongst other things) the adequacy of the Trusts internal financial and other controls and arrangements for preventing and detecting fraud and irregularity
- review the Trust accounts to ensure they are free from significant fraud.

### Employees will

- uphold a positive anti-fraud, bribery and corruption culture and act as the Trusts first line of defence

## Anti-Fraud, Bribery and Corruption Policy (including Cybercrime response)

- always be alert to the possibility of theft, fraud and corruption occurring in the workplace and be aware of the mechanisms available for reporting such issues to management within the authority.
- responsible for ensuring they follow instructions given to them by management and comply with the rules laid down by the Trust/DfE/school.
- responsible for compliance with any additional code relating to their professional qualifications.
- declare any interests and offers of gifts and hospitality that are in any way related to the performance of their duties of employment in the Trust (adhering to each policy appropriately)
- make annual declarations of interest to enable the Trust to effectively manage situations where a conflict of interest may occur.