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Review Date: October 2019

Review Period: Three Years

Requirement: Optional

Delegation: Resources & Audit Committee

Anti-Fraud, Corruption and Bribery Policy 2016 - 2019

1. Introduction

1.1. Fraud

Fraud is a range of abuse and malpractice that is covered by the Fraud Act 2006. Fraud can be defined as an abuse of knowledge or financial position that is done deliberately to create a financial gain for the perpetrator or for a related person or entity and / or cause a loss to another. It can take place in many ways; withholding information, deliberately misleading, misrepresenting a situation to others or by abuse of position. Irrespective of the definition applied, fraud is always deceitful, immoral, and intentional and creates a financial gain for one party and / or a loss for another.

Gains and losses do not have to be direct. A gain to a related party or company through intentional abuse of position, albeit not directly to the officer involved, is still fraudulent. In the same way, using the Academy's name to procure personal goods and services is also fraudulent; where there is deliberate abuse of position to make a gain in the form of goods and services at a discount price or to get the Academy to pay for them.

1.2. Corruption

Corruption will normally involve the above with some bribe, threat or reward being involved

1.3. Bribery

The Bribery Act became law on the 1st 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 organization, 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.

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

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 an 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 defense against prosecution if they can demonstrate that they had “adequate procedures in place to prevent bribery”.

Fraud, corruption and bribery is a serious criminal offence and Ralph Sadleir School does not and will not, pay bribes or offer improper inducement to anyone for any purpose. Equally, Ralph Sadleir School does not and will not accept bribes or improper inducements.

2. Objective of the Policy

The objective of the policy is to provide a coherent and consistent approach to ensuring compliance with the Fraud and Bribery Act. It will enable all employees and any person who performs services for and on behalf of the school (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 school.

Ralph Sadleir School is committed to countering fraud, bribery and corruption in all forms and will not tolerate it in any of its activities.

The school requires that all staff and all persons working or performing any service on or on behalf of the school neither accept nor give bribes. Staff must:

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

3. Scope of the Policy

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

4. Ownership of the Policy

The policy has the approval of the Governing Body. The policy applies equally to all staff, regardless of grade, whether permanently employed, temporary agency staff, contractors, agents, all elected and non-elected governors, volunteers and consultants.

The Headteacher and the Board of Directors will own the policy, thereby ensuring that they is commitment at the highest level.

5. Fraud, Corruption and Anti-Bribery Policy

It is unacceptable to:

- Give, promise to give, or offer payments, 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, 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 school 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.

6. Related Policies

The Anti-Bribery Policy must be considered alongside the following policies which collectively set out the school’s approach to reducing bribery risks:

- Gifts and Hospitality
- Whistleblowing Policy
- Code of Conduct for Staff
- Code of Conduct for Governors
- Contract Procedure Rules and Regulations and Procurement Regulations
- Recruitment and Disciplinary Procedures

7. Staff responsibilities and all those working or performing any service on, or on behalf of the school

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

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

All actual or suspected incidents of fraud should be reported without delay to the Headteacher who must report immediately to the Finance Director of the Trust. When staff report suspected fraud it is important that their suspicions are treated seriously and that all details provided by the reporting employee are recorded accurately and in a timely manner. They should be signed by the reporting employee to confirm understanding.

It is essential that staff are put at ease, since the decision to report the suspected fraud may be traumatic for the individual concerned. Those reporting fraud should be assured that all information will be dealt with in the strictest confidence and that anonymity will be preserved if requested in the first instance, however anonymity may not be able to be preserved if it is incompatible with a full and fair investigation.

When fraud is identified, action will be taken to:

- Clarify the situation
- Limit the damage
- Inform the police, if a criminal offence has been committed
- Seek reparation for losses incurred (Ex Gratia payment)
- Revise procedures to prevent any recurrence

The management of any investigation will be undertaken by an Audit sub-committee set up and controlled by the Resource Committee who will seek advice from the Responsible Officer.

They will:

- clarify the situation
- determine whether the matter should be reported to the Chair of Governors.
- determine who should carry out the investigation
- determine which outside agencies (police, auditors) should be involved
- assess the risk to the school
- determine to whom day to day management of the response should be given
- allocate responsibility for damage limitation action
- determine the course of action to recover losses
- determine the course of action to be taken against wrongdoers
- evaluate the events which enabled the fraud to occur
- ensure preventative action is taken

8. Adequate procedures

The procedures need to be applied proportionality based on the level of risk of bribery to the school.

Adequate procedures cover:

- **Risk Assessment**
That the school assesses the nature and extent of its exposure to potential bribery from insider and outside. The school should know who it is doing business with and whether this has risk implications.
- **Top Level Commitment**
That the Governing Body is committed to preventing bribery. That they is a clear statement that bribery is not acceptable. That the anti-bribery policy is clearly communicated to staff and partners of the school.
- **Due Diligence**
That the school has policies in place and is aware of who it does business with. The school is confident that its business relationships are transparent and ethical.
- **Clear, practical and accessible policies and procedures**
That the school's policies and procedures to prevent bribery being committed on its behalf are clear, practical. Accessible and enforceable.
- **Effective Implementation**
The Fraud, Corruption and Anti-Bribery policy and procedures are embedded throughout the school. This means that the fraud, corruption and anti-bribery statements are embedded in recruitment, retention and operational policies and in training programmes.

- **Monitoring and Review**
That the school 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.

9. Monitoring and Review of the Implementation of the Policy

In the first instance a team comprising of the representatives from the board of Governors will meet to review the implementation of the policy and then will review compliance with the policy.

10. 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 Headteacher and Governors, in consultation with appropriate professional advisors, and , if an employee is involved, the school's Head of Human Resources, will decide whether any matter is referred to the policy for further investigation and follow the reporting processes set out in the school's Employee Code of Conduct.

11. Policy Review

This policy was reviewed and adopted by the Resources & Audit Committee.

Governance	Chair Person / Headteacher	Signature	Date
Resources & Audit Committee	Mr D Spong		14 th October 2016

Reviewable annually in October 2019