

ANTI-BRIBERY & FRAUD POLICY 2022-24

Potteries Educational Trust



Policy Family	Finance
Reference	FIN-05
Responsible Manager	Chief Financial Officer
Approval Date	9 th June 2022 – Audit and Risk Committee
Issue Number	2
Next Review Date	June 2024

Aim

The Potteries Educational Trust (PET) has established an Anti-Bribery and Fraud Policy with the aim to advise trustees, governors and employees in dealing with the acts of bribery, suspected bribery or fraud. This policy details the arrangements for such concerns to be raised.

Scope

This policy and associated Financial Regulations and Procedures applies to the Potteries Educational Trust, which includes a number of member organisations, collectively, the member organisations within the trust are referred to as the Trust. This policy relates to all forms of bribery and fraud and is intended to provide direction and help to employees who may identify, or suspect bribery. The overall aims of this policy are to:

- improve the knowledge and understanding of everyone in the Potteries Educational Trust, irrespective of their position, about the risk of bribery or fraud within the organisation and its unacceptability
- assist in promoting a climate of openness and a culture and environment where staff feel able to raise concerns sensibly and responsibly
- set out the Potteries Educational Trust's responsibilities in terms of the deterrence, prevention, detection and investigation of bribery and fraud
- ensure the appropriate sanctions are considered following an investigation, which may include any or all of the following:
 - Criminal prosecution
 - Civil prosecution
 - Internal/external disciplinary action (including professional/regulatory bodies)

1. Introduction

The Potteries Educational Trust and each of its member academies:

- require its staff and any other persons acting on its behalf, at all times to act honestly and with integrity and to safeguard the resources for which they are responsible.
- remain committed to ensuring that business is conducted in an open and transparent manner and will take all appropriate steps to address the risks of fraud and bribery (including theft).
- condemn all acts of bribery or fraudulent behaviour and any cases identified or brought to its attention will be investigated exhaustively and dealt with appropriately.
- remain committed to the highest standards of integrity and to ensuring it adheres to and promotes best practice in fraud and bribery prevention.

2. Definitions & Scope

Fraud is 'the intentional distortion of the financial statements or other records by persons internal or external to the organisation, which is carried out to obtain an advantage, avoid an obligation or cause loss to another party

Fraud is therefore a deliberate, dishonest act by an individual or group of people, which can be committed, as per The Fraud Act 2006, by:

- False representation
- Failing to disclose information
- Abuse of position

Bribery is offering, promising or giving someone a financial or other advantage to induce or reward that person to perform their functions or activities improperly as per the Bribery Act 2010, which came into force on 1st July 2011. It is also an offence to request, receive or accept a bribe.

The Bribery Act 2010 also introduces a corporate offence of failing to prevent bribery, which requires adequate procedures to be in place and appropriately supported from the very top of the organisation.

Theft is the dishonest appropriation of property belonging to another with the intention of permanently depriving the other of it.

The above definitions cover such as acts as deception, forgery, extortion, blackmail, conspiracy, collusion, embezzlement, false accounting / false representation, concealment of material facts, the offering of a gift or reward to influence a person's actions and misappropriation.

Good Corporate Governance requires that the Potteries Educational Trust and each member academy is firmly committed to dealing with fraud and bribery and will deal equally with perpetrators from inside and outside the organisation. To this end there will be no distinction made, regarding investigation, between cases that generate financial benefits and those that do not. All cases will be viewed seriously and following investigation the action taken will be in line with the merits of each case and in accordance with other procedures and obligations applicable to the organisation.

3. Public Service Values

The three fundamental public service values are:

<i>Accountability</i>	Everything done by those who work in the Potteries Educational Trust must be able to stand the tests of parliamentary scrutiny, public judgements on propriety and professional codes of conduct.
<i>Probity</i>	Absolute honesty and integrity should be exercised in dealing with all aspects of the Potteries Educational Trust's operations.
<i>Openness</i>	The Potteries Educational Trust actions should be sufficiently open and transparent to promote confidence between the Potteries Educational Trust, our employees and the public.

In addition, all those who work for, or are in a contract with, the Potteries Educational Trust should exercise the following when undertaking their duties:

<i>Selflessness</i>	should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends
<i>Integrity</i>	should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties
<i>Objectivity</i>	should, in carrying out public business, (including making public appointments, awarding contracts, or recommending individuals for rewards and benefits), make choices on merit
<i>Accountability</i>	are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office
<i>Openness</i>	should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest demands
<i>Honesty</i>	have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest
<i>Leadership</i>	should promote and support these principles by leadership and example

4. Gifts and Hospitality

This policy is not intended to prohibit appropriate corporate entertainment and/or hospitality undertaken in connection with the Potteries Educational Trust's business activities, provided the activity is customary under the circumstances, is proportionate, and is properly recorded / disclosed to the Chief Executive Officer or Chief Financial Officer in accordance with its procedures.

Courtesy gifts and hospitality must not be given or received in return for services provided or to obtain or retain business but shall be handled openly and unconditionally as a gesture of esteem and goodwill only. Gifts and hospitality shall always be of a maximum of £25 in value, appropriate and proportionate in the circumstances, and consistent with local customs and practices. They shall not be

made in cash. Please refer to the Potteries Educational Trust financial regulations and procedures for more information

5. Raising Concerns

Employees and associated persons are requested to remain vigilant in preventing, detecting and reporting bribery or fraud. Employees and associated persons are expected to report any concerns regarding any suspected bribery in accordance with the trust's procedures outlined in the Whistleblowing Policy, which will be rigorously enforced. No individual will suffer any detrimental treatment as a result of reporting reasonably held suspicions. The Public Interest Disclosure Act 1998 came into force in July 1999 and gives statutory protection, within defined parameters, to staff who make disclosures about a range of subjects, including bribery and corruption, which they believe to be happening within the organisation employing them. Within this context, 'reasonably held' means suspicions other than those which are raised maliciously and are subsequently found to be groundless.

Any unfounded or malicious allegations will be subject to a full investigation and appropriate disciplinary action.

6. Employees

For the purposes of this policy, 'Employees' include those employed at the Potteries Educational Trust staff, trustees, governors, volunteers, temporary workers, consultants and contractors.

Trustees, governors and staff at all levels will lead by example in acting with the utmost integrity and ensuring adherence to all relevant regulations, policies and procedures.

Employees must act in accordance with the Potteries Educational Trust's Financial Regulations and Procedures which include guidance on the receipt of gifts or hospitality.

7. Managers

Line managers at all levels have a responsibility to ensure that an adequate system of internal control exists within their areas of responsibility and that controls operate effectively. The responsibility for the prevention and detection of bribery and fraud therefore primarily rests with managers but requires the co-operation of all employees.

As part of that responsibility, line managers need to:

- Inform staff of the Potteries Educational Trust, gifts and hospitality, declaration of interest and anti-bribery and fraud policies as part of their induction process, paying particular attention to the need for accurate completion of personal records and forms
- ensure that all employees for whom they are accountable are made aware of the requirements of the policy
- assess the types of risk involved in the operations for which they are responsible
- ensure that adequate control measures are put in place to minimise the risks. This must include clear roles and responsibilities, supervisory checks, staff rotation (particularly in key posts), separation of duties wherever possible so that control of a key function is not invested in one individual, and regular reviews, reconciliations and test checks to ensure that control measures continue to operate effectively
- identify sensitive/at-risk posts
- ensure that controls are being complied with

- contribute to their line manager’s assessment of the risks and controls within their area

All instances of actual or suspected bribery, which come to the attention of a manager, must be reported immediately. It is appreciated that some employees will initially raise concerns with their manager, however, in such cases managers must not attempt to investigate the allegation themselves, and they have the clear responsibility to refer the concerns in line with the Potteries Educational Trust’s Whistleblowing Policy or seek the support of the HR Manager as soon as possible.

8. Related Policies

- Declaration of Interests
- Financial Regulations and Procedures
- Procurement policy
- Whistleblowing policy
- Disciplinary policy

The Trustees, CEO and Principals/Headteachers in conjunction with local governance will:

- Adopt and adhere to this Anti-Bribery and Fraud policy
- Ensure that its staff and those that represent the Trust are aware of and adhere to this policy;
- Work at the highest level to adopt and adhere to the six principles of bribery outlined in the Ministry of Justice Bribery Act 2010 (see link in the associated information and guidance section).

Implementation

Implementation of this policy will be the responsibility of the Chief Executive Officer and Principals/Headteachers, who will act on behalf of the Trust in all matters relating to bribery, fraud and theft.

Communication

This policy will be circulated to appropriate staff across the trusts academies and is also available on the Potteries Educational Trust website.

Monitoring

The responsible manager named on the front of this policy is responsible for ensuring that this document is kept up to date and revised as appropriate, seeking management and/or trustee approval in advance of the review date so that a new version can be communicated to staff and stakeholders in a timely fashion.

Associated Information and Guidance

This Anti Bribery and Fraud Policy will also be amended in line with the latest in governmental guidance

See this link for the six principles of the Bribery Act 2010:

<https://archive.acas.org.uk/index.aspx?articleid=4107>