

# Swift Academies

## Anti-Fraud, Corruption & Bribery Policy

**Accepted by:** Board of Trustees March 2018

**Approving Body :** Finance & Resources

**Committee :** Standards

**Review Cycle:** 2 years

**Last reviewed:** March 2018

**Date for next review:** March 2020

### Introduction

#### Purpose

The purpose of this policy is to confirm Swift Academies' commitment against fraud, corruption and bribery. The fulfilment of this policy will assist in the delivery of a more effective risk management strategy, on which the Trust has produced its own separate policy.

#### Introduction

Swift Academies are determined to demonstrate that it will not tolerate fraud, corruption, bribery or abuse of position for personal gain, wherever it may be found, in any area of Trust activity.

The Trust considers that all instances of fraud, corruption and other dishonesty endanger the achievement of the Trust's policies and objectives as they divert its limited resources from the provision of education. There is a clear recognition that the abuse of the Trust's resources, assets and services undermines the Trust's reputation and also threatens its sound financial standing.

The purpose of this policy statement is to set out for governors and employees, the Trust's main objectives for countering fraud; corruption and bribery. This policy statement:

- Defines fraud, corruption and bribery.
- Identifies the scope of the policy.
- Sets out the Trust's intended culture & stance against fraud, corruption and bribery.
- Identifies how to raise concerns and report malpractice.
- Sets out responsibilities for countering fraud, corruption and bribery.

#### Definitions

##### Fraud

Fraud is a range of abuse and malpractice that is defined 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 can create a 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 Trust'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 Trust to pay for them.

## **Corruption**

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

## **Bribery**

The Bribery Act 2010

- There are four key offences under the Act:
- bribery of another person (section 1)
- accepting a bribe (section 2)
- bribing a foreign official (section 6)
- failing to prevent bribery (section 7)

Bribery is not tolerated

It is unacceptable to:

- give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
- accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;
- accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return;
- retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy;

## **Facilitation Payments**

Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials to secure or expedite actions.

## **Gifts and Hospitality**

This policy is not meant to change the requirements of the Trust's approach to gifts and hospitality as set out within the Code of Conduct for Trustees, the Code of Conduct for Employees and the Constitution of Local Governing Bodies. These make it clear that all offers of gifts and hospitality of a value of £25 or over should be registered whether they are accepted or not.

## Scope of Policy

The Policy Statement applies to all Trustees, members of Local Governing Bodies, and all employees (full time, part time, temporary and casual) who work for the Trust. The Trust expects that individuals and organisations (e.g. partners, suppliers, contractors, and service providers) with which it deals will act with integrity and without thought or actions involving fraud and corruption. Where relevant, the Trust will include appropriate clauses in its contracts about the consequences of fraud, bribery and corruption. Evidence of such acts is most likely to lead to a termination of contract and will normally lead to prosecution.

The Trust recognises the importance of the seven principles of public life defined by the Nolan Committee 1995, and expects all Trustees, Governors, employees and those acting as its agents to conduct themselves according to them. The seven principles are worthy of being read by all; -

- **Honesty** - Holders of public office 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,
- **Integrity** - Holders of public office 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,
- **Selflessness** - Holders of public office 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.
- **Objectivity** - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit,
- **Openness** - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands
- **Accountability** - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office, -
- **Leadership** - Holders of public office should promote and support these principles by leadership and example

Through observance of these principles the Trust requires Trustees, Governors, employees and its agents to be alert to the possibility of fraud, corruption and dishonesty in all their dealings.

The Trust also requires that those employees responsible for its systems and procedures should design and operate systems and procedures which endeavour to minimise losses due to fraud, corruption, and other dishonest action and abuse.

## Culture & stance against fraud & corruption

Swift Academies is determined that the culture and tone of the organisation will be one of honesty and opposition to fraud and corruption of any kind. The Trust expects that the Board of Trustees, Local Governing Bodies and employees at all levels will lead by example in ensuring adherence to legal requirements, financial rules, codes of conduct and prescribed procedures and practices.

The Trust implements and maintains systems of accountability and control to ensure that its resources are properly applied in the way it intended. These systems include, as far as is

practical, adequate internal controls to detect not only significant errors but also importantly, fraud, corruption and bribery.

The Trust's Resources Committee is responsible for overseeing internal control and financial management.

## **Raising Concerns**

Trustees, Governors and employees are an important element in the Trust's defence against fraud and corruption; they are expected to raise any concerns that they may have on these issues where they are associated with the Trust's activities. The Trust's Senior Management and Trustees, will be robust in dealing with financial malpractice of any kind. Trustees, Governors and employees of the Trust should follow the guidance issued in the Trust's Whistleblowing Policy.

All concerns reported, by whatever method, will be treated in confidence and will be reviewed and investigated by a member of staff deemed to be appropriate and best placed to do so. This may mean that, depending on the level, type and details of the concerns raised, that concerns are investigated by senior Trust managers, Trustees or in the case of very serious concerns, the Police.

The Trust is obliged to report to the ESFA, as soon as is operationally practical, all instances of fraud that are over £5,000 in value (individually or cumulatively) in any financial year or are 'systematic or unusual' in nature regardless of their value.

## **Responsibility for this Policy**

The Chief Executive Officer, has overall responsibility for the maintenance and operation of this policy. From time to time they will review and report on this policy.

This policy will be regularly reviewed and any significant amendments proposed to the Board of Trustees. The Trust's arrangements for the deterrence, prevention and detection of fraud will be regularly reviewed by those officers charged with responsibility for the policy.