

Anti-Fraud, Corruption and Bribery Policy

Policy Type	
Adopted by	Trustees
Chair	Rev Nigel Sinclair
Date	29.07.2017
To be reviewed	29.07.2020
On Website	

Purpose

The purpose of this policy is to confirm Elevate's commitment against fraud.

The fulfilment of this Anti-fraud, Corruption and Bribery Policy will assist in the delivery of more effective risk management, on which Elevate has produced its own separate policy

Introduction

Elevate is determined to demonstrate that it will not tolerate fraud, corruption or abuse of position for personal gain, wherever it may be found, in any area of Elevate's activity.

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

The purpose of this Policy Statement is to set out for trustees, local governors and employees and contractors, Elevate's main objectives for countering fraud and corruption.

This Policy Statement

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

Definitions

Fraud

Fraud is a range of abuse and malpractice that is covered by the Fraud Act 2006.

Fraud is the use of a lie or deception for the dishonest purpose of making a financial gain or causing a financial loss.

This includes failing to disclose information when legally required to do so and acting in abuse of a position of financial trust. It is immaterial whether gain or loss actually results. It can include misuse of electronic systems.

A person who occupies a position in which he is expected to safeguard, or not act against, the financial interests of the Trust and who dishonestly abuses that position for the purpose of making financial gain or causing financial loss or exposing the Trust or someone to the risk of loss is guilty of fraud. Fraud can be committed individually or by more than one person acting together.

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 Elevate'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 Elevate 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:

1. bribery of another person (section 1)
2. accepting a bribe (section 2)
3. bribing a foreign official (section 6)
4. failing to prevent bribery (section 7)

Bribery is not tolerated.

It is unacceptable to:

- a. 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;
- b. 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;
- c. 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;
- d. 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;
- e. 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 in order to secure or expedite actions.

Gifts and Hospitality

This policy is not meant to change the requirements of Elevate's approach to gifts and hospitality as set out within the Code of Conduct for Employees. 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 Trustees, governors, volunteers and all employees (full time, part time, temporary and casual) and contractors who work for Elevate.

Elevate 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, Elevate 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 the particular contract and may lead to prosecution.

Elevate recognises the importance of the seven principles of public life defined by the Nolan Committee 1995, and expects all Trustees, governors, volunteers, 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 Elevate requires the trustees, local governors, employees and contractors to be alert to the possibility of fraud, corruption and dishonesty in all their dealings.

Elevate also requires that those employees and contractors 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 and Stance against Fraud and Corruption

Elevate is determined that the culture and tone of the organisation will be one of honesty and opposition to fraud and corruption of any kind. Elevate expects that the Trustees, governors, volunteers and its employees and contractors at all levels will lead by example in ensuring adherence to legal requirements, financial rules, codes of conduct and prescribed procedures and practices.

Elevate 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 and corruption.

Elevate's Audit & Resources Committee is responsible for overseeing internal control and financial management.

Elevate is obliged to report to the ESFA 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.

Raising Concerns

Trustees and employees are an important element in Elevate'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 their Academy's activities.

Elevate's senior management, and Trustees will be robust in dealing with financial malpractice of any kind.

Trustees, local governors and employees of Elevate should follow the guidance issued in Elevate's **Whistleblowing Policy** and associated procedure.

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 you raise, that your concerns are investigated by senior trust managers, trustees or in the case of very serious concerns, the Police.

Responsibility for this Policy

The CEO 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 Trustees. Elevate's arrangements for the deterrence, prevention and detection of fraud will be regularly reviewed by those officers charged with responsibility for the policy.