

Anti-Fraud, Corruption & Anti-Bribery Policy

Summary

This policy and procedure define the expected conduct of all staff engaged by Always consult whether as an employee or associate in relation to deterring and/or detecting fraud and corruption, and who to report it to.

It includes clear guidelines on what is acceptable in terms of gifts and hospitality and how these matters are declared.

Also, reference is made to other policies where appropriate.

Introduction:

Always Consult – the Company is committed to ensuring:

- That it acts with integrity and has high standards of personal conduct. Everyone involved within each of its divisions has a responsibility in respect of preventing and detecting fraud. All directors and staff have a role to play. The Company also recognises the role of others in alerting them to areas where there is suspicion of fraud.
- Recognising a potential fraud and being able to report it, is just as important as the measures in place to prevent and detect it.
- It is the duty of all staff and Directors at the Company to take reasonable steps to limit the possibility of corrupt practices, and it is the responsibility of the Directors and Auditors to review the adequacy of the measures taken by the Company to test compliance and to draw attention to any weaknesses or omissions.

Definitions:

Fraud

Fraud is a general term covering theft, deliberate misuse or misappropriation of assets or anything that leads to a financial advantage to the perpetrator or others upon whose behalf he or she acts, even if these “others” are in ignorance of the fraud. Fraud is in fact intentional deceit and for this reason it cannot include negligence. Fraud incorporates theft, larceny, embezzlement, fraudulent conversion, false pretences, forgery, corrupt practices and falsification of accounts.

Corruption

The term 'corrupt practices' is defined for the purpose of this code as the offering, giving, soliciting or acceptance of an inducement or reward which may influence the actions taken by the Company, its staff or governors.

Gifts and Hospitality

Any gifts, rewards and benefits that are disproportionately generous or that could be seen as an inducement to affect a business decision should be declared. The acceptance of gifts and hospitality is a sensitive area where actions can easily be misconstrued. Therefore, employees' actions should be such that they would not be embarrassed to explain them to anyone.

Irregularities fall within the following broad categories, the first three of which are criminal offences:

- Theft – the dishonest taking of property belonging to another person with the intention of depriving the owner permanently of its possession.
- Fraud – the intentional distortion of financial statements or other records by persons internal and external to the Company, which is carried out to conceal the misappropriation of assets or otherwise for gain.
- Bribery and corruption – involve the offering or the acceptance of a reward, for performing an act, or for failing to perform an act, which leads to gain for the person offering the inducement.
- Failure to observe, or breaches of, Scheme of Delegation and Financial Regulations; the Company's Policies or the Academy's delegated procedures which in some circumstances can constitute an irregularity, with potentially significant financial consequences.

Examples of what could constitute fraud and corruption are:

- Theft of cash.
- Non-receipt of income.
- Substitution of personal cheques for cash.
- Travelling and subsistence claims for non-existent journeys/events.
- Travelling and subsistence claims inflated.

- Manipulating documentation to increase claims from ESFA
- Payment of invoices for goods received by an individual rather than the Company.
- Failure to observe, or breaches of, regulations and/or other associated legislation laid down by the Company or ESFA.
- Unauthorised borrowing of equipment.
- Breaches of confidentiality regarding information.
- Failure to declare a direct pecuniary or otherwise conflicting interest.
- Concealing a generous gift or reward.
- Unfairly influencing the award of a contract.
- Creation of false documents.
- Deception.
- Using position for personal reward.

The above list is not exhaustive, and fraud and corruption can take many different forms. If in any doubt about whether a matter is an irregularity or not, clarification must be sought from the Managing Director.

Similarly, if there is a concern or doubt about any aspect of a matter which involves an irregularity, or an ongoing investigation into a suspected irregularity, the best approach is to seek advice from the Managing Director.

Policy Statement:

This policy and procedure define Anti-Fraud & Corruption and Gifts & Hospitality and offers guidance for all staff in its Academies.

The Company aims to be an honest and ethical institution. As such, it is opposed to fraud and seeks to eliminate fraud by the way it conducts Academy business. This document sets out the Company's policy and procedures for dealing with the risk of significant fraud or corruption. To minimise the risk and impact of fraud, the Trust's objectives are, firstly, to create a culture which deters fraudulent activity, encourages its prevention and promotes its detection and reporting and, secondly, to identify and document its response to cases of fraud and corrupt practices.

This policy, in line with the Company's corporate values of integrity, consistency, impartiality, fairness and best practice, provides both staff and management with mutually understood guidelines for the administration of this procedure.

- The scope of this procedure extends to all Company employees, permanent, voluntary and fixed term.
- Time limits specified in this document may be extended by mutual agreement.
- If requested, employees may be accompanied by a recognised trade union representative or work colleague, not involved in any part of the process, at any interviews.

These guidelines will help you to judge what sort of gift, and what level of hospitality is acceptable.

The following general rules apply and must guide decisions on receipt of gifts and hospitality as an employee of the Trust:

- To accept gifts should be the exception. You may accept small ‘thank you’ gifts of token value, such as a diary, a coffee mug or a bunch of flowers, not over £25 in value. You should notify the Managing Director of any gift or hospitality over this value for entry in the Register of Business Interests.
- Always say “no” if you think the giver has an ulterior motive. Be sensitive to the possibility that the giver, may think that even small gifts or simple hospitality, will elicit a prompter service or preferential treatment.
- Never accept a gift or hospitality from anyone who is, or may be in the foreseeable future, tendering for any Contract with the Company.
- seeking employment with the Company or is in dispute with the Company,
- even if you are not directly involved in that service area.
- Where items purchased for the Company include a ‘free gift’, such a gift should either be used for ordinary business or handed to the Managing Director to be used for charity raffles.
- If you are in doubt about the acceptability of any gift or offer of hospitality, it is your responsibility to consult the Managing Director.

A gauge of what is acceptable in terms of hospitality is whether this Company would offer a similar level of hospitality in similar circumstances.

- Occasional working lunches with customers, providers or partners are generally acceptable as a way of doing business, provided they are not to an unreasonable level or cost.
- Invitations to corporate hospitality events must each be judged on their merit. Provided the general rules have been taken into account, it may be acceptable to join other company/organisation guests at:
 - a) Sponsored, cultural and sporting events, or other public performances, as a representative of the Company/Academy.
 - b) Special events or celebrations.

But, consider the number of these events, and always take into consideration what public perception is likely to be if they knew you were attending.

- Acceptability depends on the appropriateness of the invitations, in terms of the level of hospitality, the frequency and the status of the invited employee. In all such cases the Managing Director must be consulted.
- Paid holidays or concessionary travel rates are not acceptable. Neither are offers of hotel accommodation nor the use of company villas/apartments.
- If you are visiting a company to view equipment that the Company is considering buying, you should ensure that expenses of the trip are paid by the Company. Acceptance of refreshments and/or a working lunch may be acceptable, but care must be taken to ensure that the Company's purchasing ~~and~~ tender procedures are not compromised.
- Acceptance of sponsored hospitality that is built into the official programme of conferences and seminars related to your work are acceptable.
- Offers to speak at corporate dinners and social gatherings, or events organised by, for example, a professional body, where there is a genuine need to impart information or represent the Company, must be agreed in advance with the Managing Director. Where your spouse or partner is included in the invitation, and approval has been given for you to attend, it will be acceptable for your spouse or partner to attend as well, but if expenses are incurred, these will be met personally.
- Any invitation you accept should be made to you in your professional/working capacity as a representative of the Company.

Roles and Responsibilities:

Staff

The Company have adopted the following measures to demonstrate their commitment to anti-fraud and corruption:

- A requirement for all staff and Directors to declare prejudicial interests and not contribute to business related to that interest.
- A requirement for staff and Directors to disclose personal interests.
- All staff and Directors are made aware of the understanding on the acceptance of gifts and hospitality.
- Clear recruitment policies and procedures.

Staff also have a duty to report another member of staff or governor, whose conduct is reasonably believed to represent a failure to comply with the above.

Managing Director

The Managing Director has a responsibility for ensuring that effective systems of internal controls are maintained and will safeguard the resources of the Company.

In respect of fraud, it is therefore the responsibility of the Managing Director to ensure internal controls prevent and detect any frauds promptly. This includes:

- Proper procedures and financial systems.
- Effective management of financial records.
- Management of the Company's financial position.

External Audit

The Company's Annual Report and Financial Statements include an Independent Auditors' Report. This report includes a view as to whether the financial statements give a true and fair view and whether proper accounting records have been kept by the Company throughout the financial year. In addition, it reports on compliance with the accounting requirements of the relevant Companies Act and confirms compliance with the financial reporting and annual accounting requirements issued by the Department of Education.

Reporting a Suspected Fraud:

All allegations of suspected fraud and irregularities are to be brought to the attention of the Managing Director. Please refer to the Company's Whistleblowing Policy for further guidance.

Response to Allegations:

The Managing Director will have initial responsibility for coordinating the initial response. The Manager Director will also see legal advice from the Company's solicitors on both employment and litigation issues, before any further action is taken, should this be deemed necessary.

The Managing Director will ascertain whether the suspicions aroused have substance.

- The Managing Director will, if appropriate conduct a preliminary investigation to gather factual information and reach an initial view as to whether further action is required.
- If further investigations are required, they will determine which outside agencies should be involved (police, auditors).

The Managing Director is required by the Funding Agreement to refer this to the Department for Education if the intransigence involves public funds and will consider whether to refer the matter to the police.

In the event that the fraud relates to another company's money then they will be made aware immediately.

The Company recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice. The Company will not tolerate harassment or victimisation and will do what it lawfully can to protect an individual when a concern is raised in good faith.

This does not mean that if the person raising the concern is already the subject of a disciplinary, redundancy or other procedure, that those procedures will be halted as a result of the concern being reported.



There is a need to ensure that the process is not misused. For further guidance refer to the Company Disciplinary, Grievance and Capability policies.

Links with other Policies:

The Company is committed to preventing fraud and corruption. To help achieve this objective there is a clear network of systems and procedures in place for the prevention, detection and investigation of fraud and corruption. This Anti- Fraud and Anti-Corruption policy attempts to consolidate those in one document and should be read in conjunction with the following Company policies:

- Whistle Blowing Policy
- ESFA Funding Policy