

Alma Primary Anti-Bribery and Corruption Policy

Policy no. 4

Created by: *MJS*
 Responsibility: *Finance Committee*
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Policy Development

Change	Responsible	Date
Changes to roles and responsibilities. Addition of sections of charitable donations, record keeping, gifts to staff	MJS	June 2018

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Executive summary

A copy of this executive summary is in the staff handbook – any changes to this policy should be reflected there.

Key points:

- Alma Primary is committed to safeguarding public funds and ensuring that no form of bribery or corruption takes place in its financial dealings or activities.
- All staff, governors and volunteers, including sub-contractors, working on behalf of the school are expected to maintain the highest standards, as laid out in this policy and identified in the Nolan Committee's principles of public life.
- In the event that members of the school community suspect an inappropriate act has been committed, they should refer this to the Headteacher, Chair of Governors or the school's Responsible Officer.
- In the event that a member of staff or other person working on behalf of the school is found to have conducted an act of bribery or corruption, they may be subject to disciplinary action and may be referred to the police.

Introduction

As part of its vision to create a thriving school built on the principles of continuous improvement, Alma Primary is committed to safeguarding public funds and maintaining the highest standards of probity. In order to fulfil this commitment, it is crucial that the school's resources are properly safeguarded and the manner in which these resources are used is underpinned by a secure and controlled environment.

This Anti-Bribery and Corruption Policy, which also covers fraud and theft, sets out the school's commitment to creating an anti-fraud culture and maintaining high ethical standards in the use of public funds.

This policy details the respective responsibilities of the Headteacher, Governors, all school staff and others in demonstrating appropriate standards of behaviour and in reporting irregularities where these are suspected and outlines the actions that will be taken against those found to have committed fraud against the School.

Alma Primary has a zero-tolerance approach to fraud, theft, bribery and corruption and is committed to ensuring that effective arrangements are in place to prevent, detect, investigate and report fraud. Where fraud is found to have been committed by any member of staff or other person as defined within the scope of this policy, the school will take the appropriate disciplinary and / or legal action.

The school expects high standards of behaviour from all staff, Governors, partners, contractors and in particular expects all those it deals with to uphold the Seven Principles of Public Life as defined by the Nolan Committee (See Appendix A). All staff and Governors are expected to act with integrity at all times and to report any suspected irregularities in accordance with this policy.

Aims and Objective of this policy

The policy aims to

- Set out a clear anti-bribery policy; and

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- Make all employees, volunteers, Governors and associated persons aware of their responsibilities to comply with this Policy to prevent bribery.

The policy provides a coherent and consistent approach to ensuring compliance with the Bribery Act at Alma Primary. It will enable all employees and any person who performs services for and on behalf of the school (including contractors and subcontractors) to understand their responsibilities and allow them to take the necessary action, for example reporting any potential breaches of the policy.

The school is committed to countering bribery and corruption in all forms and will not tolerate it in any of its activities.

The school requires that all staff and all 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 Alma Primary's resources for which they are responsible
- Comply with the law (both in spirit and in the letter)
- Abide by this policy.

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. The policy applies equally to all staff, whether employed full-time or part-time, temporary or contracted, temporary agency staff, contractors, agents, all elected and non-elected Governors, volunteers and consultants.

This policy provides guidance in the prevention of bribery and corruption when acting either in the course of their employment or as representatives of the school.

This Anti-Fraud and Corruption Policy exists within an overall framework of policies and procedures designed to protect public monies, and ensure appropriate standards of behaviour from School staff, Governors and other stakeholders. This policy should be read in the context of other relevant policies and procedures, which include:

- Scheme of Financial Delegation
- Alma Primary Whistleblowing Policy
- Staff and Governor Codes of Conduct
- Individual employee's contract of employment

Definitions of Bribery, Fraud, Corruption and Theft

The Bribery Act became law on 1 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 organisation, 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.

There are four key offences under the Act

- Bribing another person

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- Taking a bribe
- Bribing a foreign public official
- Failing to prevent bribery.

The Bribery Act applies to all those involved with the organisation. Bribery is a serious criminal offence and the School does not and will not, pay bribes or offer improper inducement to anyone for any purpose. Equally the School does not and will not accept any bribes or improper inducements.

Fraud is defined by the 2006 Fraud Act as:

Activity aimed at securing a gain or causing a loss through one of the following:

- False representation (presenting something as true that is known not to be).
- Failure to Disclose (withholding information where there is a requirement to disclose).
- Abuse of position **of trust** (any action aimed at securing a gain or causing a loss through the position a person holds within the School).

Crucially under the Fraud Act, no gain or loss need occur the intention to defraud is sufficient for a prosecution to proceed.

Corruption is the offering, giving, soliciting or accepting of any inducement or reward which may influence the actions taken by the body, its members or officers.

Theft is defined in the 1968 Theft act as dishonestly appropriating property belonging to another with the intention of permanently depriving the other of it.

Standards of Behaviour

While this Anti-Fraud and Corruption Policy has set out legal definitions of the various terms used, the policy is also concerned with the wider behaviours and actions of those within its scope. The public expects high standards of behaviour from all those working within the public sector. This includes not only staying within the law but exhibiting high ethical standards in all their actions. This section of the policy sets out some of the behaviours expected of school staff, Governors, volunteers and associated stakeholders. The list is not intended to be exhaustive, but is designed to give some examples that can be applied when making decisions:

- Any business and personal interests must be declared on the correct official form designed for this purpose. This helps protect individuals from any suggestion of improper conduct and helps the School to demonstrate that all procurement decisions have been taken in the interests of delivering value for money from public funds.
- School staff and Governors must not enter into any purchasing or contract decisions where a business or personal interest has been declared. This includes being involved in any committee or group responsible for appointing or reviewing the work of a subcontractor.
- School resources must only be used for the purpose of delivering public services and staff should not use public monies or resources for personal use beyond the that defined as reasonable in the code of conduct. Such resources include ICT equipment, telephones (including mobiles), internal post facilities, school headed paper, vehicles and machinery.

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- School credit / charge cards must not be used to pay for any expenses for which the school is not directly responsible. This includes personal expenditure as well as that which is payable by any external organisation.
- Staff should not seek to benefit in any way from their position with the School beyond the remuneration and any reasonable expenses to which they are entitled. This includes providing any goods or services to the School in a personal capacity for which payment is received.
- All claims for additional hours and overtime must be scrupulously honest and must include only the precise number of additional hours or overtime hours that have been worked.
- All claims for expenses must be scrupulously honest and must include only those expenses to which staff are entitled under the terms and conditions of employment and staff expense claims policy.

Fraud and theft can take many different forms. Appendix B gives examples of the possible types of fraud and theft that may take place in a school environment.

It is important that all school staff and Governors are aware of the warning signs that might indicate fraudulent activity to be taking place in school. In order to enable prompt detection of fraudulent activity, Appendix C gives examples of possible indicators of suspicious and fraudulent behaviours and activities.

Unacceptable Behaviour

Under this policy, it is unacceptable for anyone working on behalf of Alma Primary, whether formally employed, or whether acting as a governor, associate governor or volunteer to:

- Give, promise to give, or offer payment, 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 to give, 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.

Acceptable Behaviour

This policy does not prohibit normal and appropriate hospitality (both given or received) if the following requirements are met:

- It is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in exchange for favours or benefits.
- It is given in name of school's name, not in the individual's.
- It complies with local law.
- It does not include cash or a cash equivalent, i.e. vouchers, gift certificates.

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- It is appropriate in the circumstances, i.e. the giving of small gifts at Christmas time.
- The type and value of the gift is reasonable given the reason the gift is offered.
- It is given openly, not secretly.

Gifts should not be offered to, or accepted from, government officials or representatives without the prior approval of the SBM.

The advice of the school is to, in all circumstances, consider whether the gift or hospitality is reasonable and justified and to consider the intention behind the gift.

Consequences

An Alma Primary employee in breach of this Policy will face disciplinary action in accordance with the Disciplinary Procedure that may result in summary dismissal for gross misconduct, as well as facing possible civil and/or criminal prosecution.

A Governors, volunteer or other associated person found guilty of committing bribery related offences or causes the school to commit a bribery related offence will be dismissed from their position and/or have their contract with the school terminated.

Anti-Bribery Compliance

Alma Primary has appointed a Responsible Officer for the school, who will act as Alma Primary's Anti-Bribery and Corruption Compliance Officer. This individual has overall responsibility for the school's Bribery Act compliance, including the implementation of anti-bribery measures and the investigation of alleged bribery.

Employees, Trustees and Associated Persons should seek advice from the Responsible Officer in the first instance if they have any questions or concerns with regard to this Policy or its interpretation. The Responsible Officer will treat any questions or concerns raised on a confidential basis unless a breach of this Policy has been committed.

The Responsible Officer may also make recommendations to the Headteacher and the Chair of Governors aimed at further strengthening anti-fraud arrangements, as a result of changes in legislation or through internal audit and review of the schools procedures.

Roles and Responsibilities

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 behalf of Alma Primary, are to avoid activity that breaches this policy and must:

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

The Headteacher

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The Headteacher of the School is expected to set high standards of conduct at all times whilst carrying out their duties. As the schools accounting officer, the Headteacher is also responsible for the appropriate use of public resources and his/her key responsibilities are:

- Developing, implementing and maintaining adequate systems of internal control to prevent and detect fraud.
- Ensuring that all employees are aware of the school's policy on fraudulent and corruptive behaviour, and understand the relevant school procedures.
- Ensuring that all relevant staff are adequately trained on internal controls and procedures that need to be complied with.
- Implementing any changes to the internal controls and procedures that may have been identified as a result of a fraud or irregularity investigation, in order to prevent further instances of fraud or corruption.
- Setting high examples of conduct in their day to day work, which are beyond reproach.
- Publicising the school's commitment to fighting fraud and corruption.
- Working with the governing body to establish recruitment procedures, ensuring that all candidates are thoroughly vetted prior to commencing their employment.
- Ensuring and monitoring the school's compliance with internal controls and agreed policies and procedures related to fraud and corruption.
- Investigating all allegations of fraud and commencing disciplinary action where appropriate.
- Informing the chair of the governing body or the school's internal audit and risk officer of any indications of fraudulent activity and alleged financial irregularities.
- Reporting to the governing body on all aspects of fraud risk management.
- Declaring any business and personal interest, as well as any interests or offers of gifts or hospitality, which are in any way related to the performance of their duties in relation to the school.

All School Staff

All School staff whether they are full time, part time, permanent, temporary, agency or consultants are expected to maintain a high level of conduct whilst carrying out their duties. All staff are expected to help protect the public resources that have been entrusted to the school and the key responsibilities are:

- To uphold the Anti-Fraud and Corruption culture within the school;
- To adhere to this Anti-Fraud and Corruption Policy;
- To comply with the school's internal controls, procedures and policies;
- To comply with the school's Code of Conduct relating to their position;
- To familiarise themselves with the types of fraud and irregularity that might occur within the school and to be vigilant to such activities in order to enable prompt detection of fraud and irregularity (see Appendix B);
- To declare any Business and Personal Interests held;
- To report any instances of suspected fraud or irregularity to the Headteacher or the Responsible Officer.

The Governing Body

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Members of The Governing Body have a specific duty to set an example to the employees of the school and the local community by acting with integrity, honesty and high ethical standards whilst carrying out their duties.

The Governing Body are responsible for the appropriate use of public resources and its key responsibilities to ensure that a sound and effective system of internal controls exists within the school. The specific duties of the governing body include:

- Ensuring that internal controls, procedures and policies are put in place that minimise the risk of fraud and corruption, including theft and bribery.
- Developing, implementing and monitoring school procedures in relation to fraud.
- Reviewing this policy, ensuring that it remains adequate and appropriate for the needs of the school.
- Working with the headteacher to establish recruitment procedures, ensuring that all candidates are thoroughly vetted prior to commencing their employment.
- Promoting an anti-fraud and corruption culture within the school, that concurs with the Nolan Committee's Seven Principles of Public Life (See Appendix A);
- Setting the standards for the school and giving their full support to all systems and controls in place to assure probity.
- Ensuring that any business and personal interests of all members of the governing body are declared.
- Reporting any instances of suspected fraud or irregularity to the school's internal audit and risk officer.

Reporting Suspected Frauds and Irregularities

Concerns in regards to fraudulent activity will be reported to the headteacher or chair of the governing body. Such concerns will be treated in confidence and properly investigated.

Procedures outlined in the Whistleblowing Policy will be followed to report concerns where the normal reporting procedure is not appropriate.

Any matter which might constitute as fraud will be brought to the attention of the governing body or headteacher. Claims will, in the first instance, be investigated by the headteacher to ascertain the basic facts.

Subject to the findings, the matter will be reported to the internal audit and risk officer, which may result in a full internal investigation. An investigation on the basis of suspected fraud or irregularity will take the form of a disciplinary investigation, as detailed in the school's Staff Disciplinary Policy.

The school team investigating has full right of access to examine any documents or contents of school property, including the examination of computers and related equipment, as well as to undertake interviews with staff members.

The investigation process will include:

- Gauging the credibility of the allegation.
- Securing evidence, ensuring it is retained in the original format.
- Interviewing witnesses.
- Taking statements.
- Interviewing potential suspects.

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- Liaising with the headteacher and governing body, as well as external agencies where necessary.

Staff who are found to have committed a fraud or irregularity face disciplinary action, which could result in dismissal for gross misconduct. They also face the possibility of civil and criminal prosecution.

Where appropriate, the school will refer the case to the police in order for them to consider taking criminal action. Cases of fraud can also be reported to the National Fraud and Cyber Crime Centre via the Action Fraud website.

Alma Primary will seek to apply appropriate criminal, civil and disciplinary sanctions to all cases of proven fraud and corruption.

Charitable donations

The school supports a number of carefully selected charities and charitable donations are considered to be part of the school's wider purpose. The school may also support fundraising events involving employees.

The school only makes charitable donations that are legal and ethical. No donation must be offered or made in the school's name without the prior approval of the SBM.

Record keeping

Alma Primary keeps financial records and has appropriate internal controls to provide evidence for the business reasons for making payments to third parties. Employees must make the SBM aware of all hospitality or gifts received or offered over the value of £50; these will be recorded and subject to managerial review.

Employees' expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with the school's Expenses Policy.

All invoices, accounts and related documents should be prepared and maintained with the highest accuracy and completeness. No accounts may be kept "off-book".

Gifts to staff from the school

The school may, at the headteacher's discretion, provide staff with token gifts to reward efforts beyond their duties such as significant contributions towards extra-curricular activities. These gifts will be non-monetary, non-alcoholic and cost less than £40.

The school may also, at the headteacher's discretion, provide staff leaving the school with token gifts, including vouchers.

The purchasing of excessive or alcoholic gifts is regarded as irregular expenditure and is inappropriate for the school to offer for any staff.

Review of the Policy

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The policy has the approval of the Governing Body. The Headteacher and Governors will own the policy, ensuring that there is commitment at the highest level. This policy will be reviewed biannually.

Appendix A: The Nolan Committee – The Seven Principles of Public Life

SELFLESSNESS

Holders of public office should act 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.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

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.

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.

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.

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.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

These principles apply to all aspects of public life. The Committee has set them out here for the benefit of all who serve the public in any way.

Appendix B: Possible Types of Fraud, Theft, Bribery and Corruption

The list below gives examples of unacceptable activities, but it is not exhaustive:

- Theft of cash (e.g. retaining cash collected for school dinners, trips, uniform, etc. For personal use);
- Theft or misuse of school assets and resources (e.g. Taking stationery or other school resources, taking away school assets for personal use, personal use of postal facilities)
- Submitting false claims (e.g. For travel which did not take place, for un-worked additional hours and overtime.)
- Unauthorised purchases of equipment for personal use
- Improper use of petty cash for personal purposes
- Failing to charge appropriately for goods or services (e.g. Not charging for private lettings of school rooms / sports facilities)
- Making payments or providing improper gifts or hospitality to a third party in exchange for something that benefits the school, or that unduly influences an action that would affect the school
- Processing false invoices for goods or services not received and pocketing the proceeds
- Making false entries on the payroll (e.g. Inventing a fictitious employee and arranging to be paid an additional salary)
- Working elsewhere whilst claiming to be sick
- Claiming for payment of inappropriate bonuses
- Misusing school financial systems to run a personal business
- Improper recruitment (e.g. Employing a family member or individual known personally to a member of staff without following appropriate recruitment and selection procedures)
- Buying from a supplier or contractor known personally to a member of staff without following the required procurement procedures or declaring a business interest
- Accepting payments, gifts or hospitality from anyone; who is, or may be in the foreseeable future tendering or quoting for any contract or works with the school, seeking employment with the school or seeking to influence the admissions process
- Separating purchases to avoid tendering / quotation thresholds; and
- Suppliers or contractors failing to deliver the agreed goods or services but still being paid in full.

Appendix C: Possible Indicators and Warning Signs of Fraudulent Activity

All School staff have a duty to act properly at all times in the course of their duties. Listed below are a few pointers as to the sorts of things that might give cause for concern and possibly indicate fraudulent activity. It is important to note that any one of these on its own may be perfectly innocent and a function of carrying out normal duties, however a combination of the factors may give cause for concern:

- Changes in behaviour (e.g. Staff appear under stress without excessive workload, defensiveness, argumentativeness, unusual belligerence, inability to relax);
- Lifestyle changes (e.g. Exotic holidays, new cars, home improvements, expensive jewellery) – those committing fraud rarely save the proceeds;
- Ready supply of excuses for errors;
- Refusal to take holidays;
- First to arrive and last to leave;
- Does not allow anyone else to undertake their work;
- Refuses promotion;
- Suppliers will only deal with one person;
- New staff leaving quickly.