

P18 – ANTI-FRAUD, CORRUPTION AND BRIBERY POLICY

Purpose

The purpose of this Policy is to confirm St Dunstan's Educational Foundation's commitment against fraud, corruption and bribery.

Introduction

The Foundation 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 the Foundation's activities.

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

This Policy statement:

- Defines fraud, corruption and bribery
- Identifies the scope of the applicability of the Policy
- Sets out the Foundation'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 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 other, or by abuse of position. Irrespective of the definition applied, fraud is always deceitful, immoral and intentional and creates a financial 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 Foundation's name to procure personal goods and services is also fraudulent where there

is a deliberate abuse of position to make a gain in the form of goods and services at a discount price or to get the Foundation to pay for them.

Corruption

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

Bribery

There are four key offences under the Bribery Act 2010:

- Bribery of another person
- Accepting a bribe
- Bribing a foreign official
- Failing to prevent bribery

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 in order to secure or expedite actions.

Gifts and Hospitality

This policy does not change the requirements of the Foundation's approach to gifts and hospitality as set out in the Foundation's Gifts and Hospitality Policy which requires all offers of gifts and hospitality above a de minimus level to be registered, whether they are accepted or not.

Scope of Policy

This policy applies to all employees and anyone acting for, or on behalf of, the Foundation, including, Trustees of the Foundation, other volunteers, temporary workers, consultants and contractors.

The Foundation expects that individuals and organisations (e.g. 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 Foundation 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 will normally lead to prosecution.

Codes of Conduct are in place for Trustees and employees which state clearly that Foundation expects Trustees and employees to act with integrity and to conduct themselves in a manner which does not damage or undermine the reputation of the Foundation.

The Foundation requires the Trustees, employees and its agents to be alert to the possibility of fraud, corruption and dishonesty in all their dealings.

The Foundation 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 and Stance against Fraud, Bribery and Corruption

The Foundation is determined that the culture and tone of the organisation will be one of honesty and opposition to fraud, bribery and corruption of any kind.

The Foundation expects that Trustees 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 Foundation implements and maintains systems of accountability and control to ensure that its resources are properly applied in a way it intended. These include, as far as is practical, adequate internal controls to detect not only significant errors but also importantly, fraud and corruption.

Raising Concerns

Trustees, employees and anyone acting for or on behalf of the Foundation are an important element in the Foundation'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 Foundation's activities.

The Trustees and College Leadership Team will be robust in dealing with financial malpractice of any kind. Trustees and employees of the Foundation should follow the guidance issued in the Foundation's Whistleblowing Policy.

All concerns reported by whatever method will be treated in confidence. Concerns should be raised with the Headmaster in the first instance, except when it relates to the Headmaster, in which case the concern should be raised with the Chair of Trustees. This may mean that, depending on the level, type and details of the concerns you raise, that your concerns are investigated by the Headmaster, the Board of Trustees or, in the case of very serious concerns, the Police.

Further Guidance

Employees requiring further clarification on this document should contact the Bursar.

Anti-fraud, Corruption and Bribery Policy

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