

## Anti-fraud, Corruption and Bribery Policy

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This policy and procedure applies to employees of St Dunstan's Trustee Limited on behalf of St Dunstan's Education Foundation & College Hire Limited (collectively "the Foundation").

### Purpose

The purpose of this policy is to confirm the Foundation's commitment to prevent and detect 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 objectives 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 where you know, or suspect, that it is offered or provided with an expectation that a business advantage will be provided 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 minimis* 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, Directors of St Dunstan's Trustee Limited and/or College Hire Limited, 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 Directors and employees which state clearly that Foundation expects Directors 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 Directors, 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 Directors 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 the way intended. These include, as far as is practical, adequate internal controls to detect not only significant errors but also fraud and corruption.

### **Raising Concerns**

Directors, 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 Directors and Executive Team will be robust in dealing with financial malpractice of any kind. Directors 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 Head or Chief Finance Officer (CFO) in the first instance, except when it relates to the Head, in which case the concern should be raised with the Chair of the Board. This may mean that, depending on the level, type and details of the concerns you raise, that your concerns are investigated by the Head, the CFO, the Board of Directors or, in the case of very serious concerns, the Police.

### **Further Guidance**

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

### **Circulation of this Policy**

This document is available for all staff to view in the Master Policy area on the Staff Shared Drive, however it should also be circulated directly to finance staff, budget holders and any staff working closely with contractors.

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