



EMMAUS CATHOLIC MAC

ANTI-FRAUD & BRIBERY POLICY (including Gifts & Hospitality)

Date approved by Directors:	28 th March 2022
Board Review Date:	27 th March 2023
Body Responsible for Review:	Resources Committee

Commitment to Equality:

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

This Anti-Fraud Policy has been approved and adopted by Emmaus Catholic Multi-Academy Company on 28th March 2022 and will be reviewed in March 2023.

Signed by Director of Emmaus Catholic MAC (Academy Trust Company): J GRIFFIN

Signed by CSEL for Central Team: S HORAN

School to which this policy relates:

Signed by Principal for – Hagley Catholic High School

Signed by Principal for – Our Lady of Fatima Catholic Primary School:

Signed by Principal for – Our Lady & St Hubert’s Catholic Primary School:

Signed by Principal for – St Ambrose Catholic Primary School:

Signed by Principal for – St Francis Xavier Catholic Primary School:

Signed by Principal for – St Gregory’s Catholic Primary School:

Signed by Principal for – St Joseph’s Catholic Primary School

Signed by Principal for – St Mary’s Catholic Primary School:

Signed by Principal for – St Philip’s Catholic Primary School:

Signed by Principal for – St Wulstan’s Catholic Primary School:

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1. APPLICATION

- 1.1 This Anti-Fraud Policy applies to you if you are an employee, worker or volunteer of Emmaus Multi Academy Company.

2. SCOPE

- 2.1 The purpose of this Anti-Fraud Policy is to promote an anti-fraud culture across the MAC and to set out the company's responsibilities regarding the prevention of fraud and the procedures to be followed where a fraud is discovered or suspected. This policy supplements the MAC policies on Whistleblowing, the Disciplinary Policy and Procedure and Financial Regulations Manual.
- 2.2 Emmaus Catholic MAC requires staff and all other people associated with the company to act honestly and with integrity at all times and to safeguard the public resources for which they are responsible. Fraud is an ever-present threat to those resources and, therefore, must be a concern to staff.
- 2.3 Emmaus Catholic MAC will not accept any level of fraud, bribery or corruption. All cases of fraud, corruption and irregularity are taken very seriously. This may include prosecution and disciplinary action where justified.
- 2.4 Anyone having any reasonable suspicions of suspected or actual fraud, malpractice corruption or irregularity is encouraged to report them using the Company's Whistle-blowing Policy.
- 2.5 This Anti-fraud Policy follows the guidance set out by the ESFA in the Academies Trust Handbook which stipulates that companies must be aware of the risk of fraud, theft and/or irregularity occurring. This must be addressed in their internal control and assurance arrangements by putting in place proportionate controls and taking action where fraud, theft and/or irregularity is suspected or identified.
- 2.6 The MAC must notify the ESFA of any instances of fraud, theft and/or irregularity exceeding £5,000 individually or £5,000 cumulatively in any academy financial year. Any unusual or systematic fraud, regardless of value, must also be reported.
- 2.7 The Multi Academy Company delegates its authority in the manner set out in this policy.

3. FRAUD, CORRUPTION AND OTHER IRREGULARITY

- 3.1 Many of the offences referred to as fraud are covered by the Theft Acts 1968 and 1978, the Prevention of Corruption Acts, Fraud Act 2006 and the Bribery Act 2010. The term is used to describe such acts as deception, bribery, forgery, corruption, extortion, theft, conspiracy, embezzlement, misappropriation of assets, false representation, concealment of material facts and collusion. The criminal act is the attempt to deceive. Attempted fraud is, therefore, treated as seriously as accomplished fraud.
- 3.2 The Fraud Act 2006 introduces provision for a general offence of fraud which is broken into three sections: fraud by false representation; fraud by failing to disclose information; fraud by abuse of position.

- 3.3 **Fraud by false representation:** representation must be made dishonestly and with the intention of making a gain or causing a loss or risk to another. A representation is defined as false if it is untrue or misleading and the person making it knows that it is, or might be, untrue or misleading. Representation can be stated by words or communication i.e. written, spoken or by electronic means.
- 3.4 **Fraud by failing to disclose information:** this requires a person who is in a privileged position to act dishonestly by abusing the position held; and by doing so, fails to disclose to another person information which he/she is legally required to disclose. The dishonest act must be with the intention of making a gain for herself/himself or another. Alternatively, it may be with the intention of causing a loss or risk of loss to another. The offence may be committed by omitting to make a declaration as well as by an act. The introduction of the Fraud Act 2006 does not prevent the prosecution of offences under the various Theft Acts and Forgery Counterfeiting Act e.g. theft, counterfeiting and falsification of documents.
- 3.5 **Corruption** is broadly defined as the offering or acceptance of inducements, gifts or favours, payments or benefit in kind which may influence the improper action of any person; corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.
- 3.6 **Bribery:** the Bribery Act 2010 repeals existing corruption legislation and has introduced the offences of offering and/or receiving a bribe. It also places specific responsibility on organisations to have in place sufficient and adequate procedures to prevent bribery and corruption taking place. Bribery is defined as the inducement of an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other privileges.
- 3.7 **Irregularity:** an irregularity may be any significant matter or issue, other than fraud or corruption, which is so defined and prescribed by the MAC Board as to fall within the general principals of this policy and which may warrant consideration or investigation under the related Fraud Response Plan.
- 3.8 For example, an irregularity may be where a member of staff makes a genuine error or mistake in the course of their duties/responsibilities, but where this error or mistake is subsequently hidden from the Company. Additionally, an irregularity may also involve consideration of the possible inappropriate use of Company funds or assets, but which may not technically constitute fraud or corruption.

4. PURPOSE OF THE POLICY

- 4.1 This separate policy runs alongside the MAC Financial Regulations, Policies and Procedures and is kept separate from the overall Financial Regulations document to specifically promote its importance to all that are associated with the Company. In administering its responsibilities in relation to fraud and corruption whether it is attempted on any Company school/academy or from within it, Emmaus Catholic Multi Academy Company is committed to an effective anti-fraud and corruption strategy designed to:

- Encourage prevention
- Promote detection; and

- Identify a clear pathway for investigation
- 4.2 Emmaus Catholic MAC's expectation on propriety and accountability is that all Directors, Local Governing Body Representatives, Executive staff, Principals and staff at all levels will individually and collectively lead by example in ensuring adherence to rules and that all practices are above reproach.
- 4.3 All Directors, Local Governing Body Representatives, Executive staff, Principals and staff are expected to act in line with the 'seven Nolan Principles of public life' which requires public servants to act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Emmaus Catholic MAC also demands that individuals and organisations that come into contact with any of the MAC schools, Central Team or employees act with integrity and without thought or actions involving fraud, bribery or corruption.
- 4.4 Section seven of the Bribery Act 2010 creates a corporate offence of failing to prevent bribery, irrespective of what happens to the profit. Emmaus Catholic MAC could be considered guilty of a corporate bribery offence if a staff member, agent, or any other business person acting on its behalf bribes another person, intending to obtain or retain business, or an advantage in the conduct of business for Emmaus Catholic MAC or for any of its schools. Part of the Company's defence would be the demonstration of adequate procedures being in place to prevent the bribery taking place.

5. ANTI-FRAUD AND CORRUPTION STRATEGY

The Company's Responsibilities

- 5.1 Emmaus Catholic MAC's Anti-Fraud and Corruption strategy is based on a series of comprehensive and inter-related procedures designed to frustrate any attempted fraudulent or corrupt act. These cover:
- Establishing an Anti-Fraud Culture
 - Prevention
 - Detection and investigation
 - Training

Emmaus Catholic MAC is also aware of the high degree of external scrutiny of its affairs by a variety of bodies including:

- Parents/Carers
 - Wider Community
 - Partner and Service Organisations
 - DfE and ESFA
 - Internal and external audit
 - HM Revenue and Customs
 - Parliamentary Committee
 - Government Departments
- 5.2 Overall responsibility for dealing with fraud and corruption rests with the Catholic Senior Executive Leader (CSEL, the Company's Accounting Officer). As the Company's Accounting Officer, the responsibilities of this post include:

- Establishing and maintaining a robust system of internal control to prevent fraud
- Establishing effective financial regulations, policies and procedures
- Establishing appropriate mechanisms for reporting fraud risk issues including reporting to the Responsible Officer, the MAC Board and Education Skills Funding Agency, where appropriate.
- Ensuring that vigorous and prompt investigations are carried out
- Ensuring that appropriate action is taken to minimise the risk of similar frauds in the future
- Taking appropriate action to recover assets and minimise the loss

5.3 Directors and staff in positions of financial responsibility and authorisation are required to provide the Chief finance and Operating Officer (CFOO) with information concerning their direct or indirect pecuniary interests, and those of close family members, via the Annual Declaration of Interest Form and to keep that information up to date.

Line Management Responsibility

5.4 Line Managers are responsible for ensuring that an adequate system of internal control exists within their areas of responsibility and that those controls are effective. The responsibility for the prevention and detection of fraud, therefore, rests primarily with the managers. There is a need for all managers to assess the types of risk that their school/individual department is exposed to; to review and test those control systems regularly to ensure that controls are being complied with and to satisfy themselves that their systems continue to operate effectively.

5.5 Line managers must be alert to the possibility that unusual events or transactions could be symptoms of fraud or attempted fraud. Fraud may also be highlighted as a result of specific management checks or be brought to management's attention by a third party.

5.6 In terms of establishing and maintaining effective controls it is generally expected that:

- There is a separation of duties so that control of a key function does not rest with one staff member.
- When new systems are being designed, safeguards against fraud are considered at an early stage.

Staff Responsibilities

5.7 It is the responsibility of all members of staff within the MAC to ensure that public funds controlled by the company are safeguarded against fraud. Staff must alert their line manager if they believe an opportunity for fraud exists because of poor procedures or controls. Staff must report any suspicion of fraud immediately to their line manager (or other person in authority where appropriate) who should record this and report it to the Chief Finance and Operations Officer (CFOO), or in the event that the allegations of malpractice are to be made against the CFOO, to the Catholic Senior Executive Leader. Staff are required to cooperate fully with any internal checks, reviews or fraud investigations. All staff are required to comply with policies and procedures. Failure to comply may result in disciplinary action.

6. Gifts and Hospitality

- 6.1 Employees must register all offers of gifts and hospitality that are deemed to be beyond the offer of normal/polite business niceties (e.g. the offer of simple meeting associated food and refreshments). However, the offer of other gifts and hospitality (e.g. expensive restaurant based meal where only a few parties are represented/present) above and beyond normal business **must be refused**. If it is not possible to refuse a gift (i.e. the gift or hospitality is presented on the spot) or if in the judgement of the employee, refusal may cause offence, then the gift/hospitality should be immediately (next working day maximum) declared to the respective Principal's PA or Office Manager by submitting the form in Appendix 2.
- 6.2 Any gift accepted must be handed to the relevant PA who will record the information in the MAC Gifts and accepted Hospitality register and transfer the gift to a place of safekeeping. Such gifts can be used at the discretion of the Principal towards a whole school event or fund raising. The use of the gift must also be recorded in the register and signed off by the Principal.
- 6.3 The PROVIT test, Appendix 1, must be applied to all proposed gifts/hospitality.
- 6.4 As a guide to staff items classed as recordable gifts/hospitality may include, but will not be restricted to:
- All container held alcohol gifts with a value in excess of £25
 - Hampers
 - Personal reimbursement of cash or vouchers of goods/services purchased by the school
 - Discount towards goods/services purchased by the school
 - Any other gifts which are formally presented or deemed to have a retail value above £25
- 6.5 Always say “no” if you think that 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 more prompt service or preferential treatment.
- 6.6 Never accept a gift or hospitality from anyone who is, or may be in the foreseeable future, tendering for any contract, seeking employment or is in dispute with the MAC or individual school. For example, free lunches should not be accepted by staff from the school catering provider if the provision is contracted out to a private company.
- 6.7 Gifts presented by a parent/pupil, such as a small box of chocolates or a bunch of flowers to a member of staff/teacher at Christmas or when leaving to say ‘thank you’ can be deemed to be under £25 and accepted without the need to register it as a gift. The same applies to gifts, such as writing pads, calendars, inexpensive pens etc. Exceptional or unusual gifts that are obviously above £25 **must be declared**.
- 6.8 If there is any doubt, the gift/hospitality should be declared. PA's/Office Managers should contact the CFOO if they are unsure or require further clarification.

6.9 The CFOO should periodically call for and inspect MAC registers. The consolidated list should be presented to the Board Audit Committee on an annual basis for their review.

7. FRAUD RESPONSE PLAN

7.1 The Company would follow the Emmaus Disciplinary Policy and Procedure and potentially involve, where necessary and appropriate:

- MAC external auditors
- Police

8. CREATING AN ANTI-FRAUD CULTURE

8.1 The creation of an anti-fraud culture underpins all other work to counter fraud.

8.2 The Company expects that all individuals and organisations associated with Emmaus Catholic Multi Academy Company, Directors, Local Governing Body Committee Representatives and staff should raise any concerns or misgivings in relation to potential fraud, bribery or corruption involving anyone associated with the company or its activities. This can be done in the knowledge that such concerns will be treated in confidence and will be properly investigated in line with the Emmaus Disciplinary Policy and Procedures.

8.3 The concerns may be raised with a line manager or via direct contact with any of the following:

- Catholic Senior Executive Leader
- Chief Finance and Operations Officer
- Any Company Director or Local Governing Body Member
- Any member of the Senior Leadership Team.

9. DETECTION AND INVESTIGATION

9.1 Where a fraud is detected or suspected, initial responsibility for investigating the matter rests with the CFOO who has been nominated as the MAC Investigating Manager for such issues. In his/her absence, or if the CFOO is in any way alleged to be involved in the fraud, responsibility for investigating the matter rests with the Catholic Senior Executive Leader. The Investigating Manager shall inform and consult with the Principal in all cases except where the Principal is the alleged perpetrator. Investigations will be commenced as soon as possible in line with the Emmaus Catholic MAC Disciplinary Policy and procedure and HR advice and guidance. If it is established that a fraud may have occurred then a comprehensive investigation must be carried out by an experienced fraud specialist or referred to the Police.

10. SANCTION & REDRESS

10.1 Emmaus Catholic MAC's Disciplinary Policy and Procedure provides for offences such as fraud, theft and deliberate falsification of Company registers, reports, accounts, expense claims and self-certification forms to be regarded as gross misconduct which may result in dismissal. The MAC will take disciplinary action in all cases where it is considered appropriate.

10.2 In cases where fraud is proven, the MAC will notify the police of the outcome. The MAC will co-operate fully with the investigating body and will always seek to recover funds lost through fraud. It may be necessary for the Company to initiate a civil action against fraudsters. If, during the course of the investigation, any failure of supervision is identified, the MAC must consider whether disciplinary action is appropriate for those involved.

11. LEARNING FROM THE EXPERIENCE

11.1 Where fraud has occurred it is vital that Directors and management recognise the need to examine systems and procedures and make necessary changes to ensure that similar frauds will not occur. In addition to an internal control and scrutiny review advice would be sought from outside bodies e.g. auditors, ESFA, peers in other MACs, in respect of changes to systems and procedures.

12. CONCLUSION

12.1 Emmaus Catholic MAC has in place a clear network of systems and procedures to assist in the fight against fraud and corruption. It is determined that these arrangements will keep pace with any future developments in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation. To this end, Emmaus Catholic MAC maintains a continuous overview of such arrangements through, in particular, its Principals, CFOO, the Board Audit Committee and its internal and external auditors.

13. Appendix 1

The PROVIT (Acronym) test

Whether or not the offer is acceptable:

Purpose	Token, thanks or seeking a favour?	
	Token or thanks	Yes
	Favour	No
Rules	What are they? Does this situation conform?	
Openness	Is the offer transparent?	
Value	Expensive or inexpensive?	
Ethics	Does the offer fit with Academy ethics? Is this an exceptional circumstance?	
Identity	Who has made the offer?	
Timing	Are you about to make a decision affecting the donor?	

