

## ANTI-FRAUD POLICY

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## **ANTI-FRAUD POLICY**

### **1. Introduction**

- 1.1 Northern Ambition Academies Trust (the Trust), requires staff at all times to act honestly and with integrity 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 key priority for staff to be aware of. The Trust will not accept any level of fraud or corruption; consequently, any concerns or suspicions of such issues existing will be thoroughly investigated and dealt with appropriately and any resultant action likely to be considered under the category of gross misconduct and referred to the police.

The purpose of this document is to set out the Trust's responsibilities regarding the prevention of fraud and the procedures to be followed where a fraud is discovered or suspected. This policy supplements the Trust's policies on Whistleblowing, Disciplinary and Dismissals, Fraud Response Plan (see section 6 of this document) and its Financial Procedures Manual and, as such, these should be read in conjunction with the Anti-Fraud Policy.

- 1.2 The Education Skills and Funding Agency (ESFA) also adopts a serious approach to such matters; the Academies Financial Handbook 2022 states (section 4.8) that the ESFA will not tolerate fraud. Academy trusts must be aware of the risk of fraud, theft and/or irregularity occurring and address this in their internal control and assurance arrangements by putting in place proportionate controls. Trusts must take appropriate action where fraud, theft and/or irregularity is suspected or identified.

The trust must notify EFA if 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. Fraud, Corruption and Other Irregularity**

- 2.1 The Fraud Act 2006, came into force on the 15<sup>th</sup> January 2007, and fraud has been given a legal definition. The act 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

#### **Fraud by false representation**

This occurs where a representation is made dishonestly, and is made with the intention of making a gain or causing a loss or risk of loss 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 by conduct i.e. written, spoken or by electronic means.

#### **Fraud by failing to disclose information**

Fraud by failing to disclose information details that a fraud will have been committed, if a person fails to declare information which he/she has a legal duty to disclose. The person therefore acts dishonestly and intends to make a gain for himself/herself, whilst causing a loss to another or expose another to the risk of a loss.

#### **Fraud by abuse of position**

Fraud by abuse of position occurs where a person who is in a privileged position, acts 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 will have occurred with the intention of making a gain for himself/herself 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.

- 2.2 The introduction of the Fraud Act 2006, does not prevent the prosecution of offences under the various Theft Acts and Forgery and Counterfeiting Act, e.g. theft, counterfeiting and falsification of documents.

2.3 **Corruption**

Corruption is a specific type of fraud and involves: -

“The offering, giving, soliciting or acceptance of any inducement or reward which may influence the action of any person”

Corruption involves two or more people. Corruption does not always result in a loss; indeed, the corrupt person may not benefit directly from their deeds.

2.4 **Irregularity**

An irregularity may be any significant matter or issue, other than fraud or corruption, which is so defined and prescribed by the Trust as to fall within the general principles of this Policy and which may warrant consideration or investigation under the related Fraud Response Plan.

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 Trust, perhaps to the on-going detriment to the Trust. Additionally, an irregularity may also involve consideration of the possible inappropriate use of Trust funds or assets, but which may not technically constitute fraud or corruption.

3. **The Trust's Responsibilities**

- 3.1 Overall responsibility for dealing with fraud and corruption rests with the Chief Executive Officer (The Trust's Accounting Officer).

- 3.2 As the Academy's Accounting Officer, the responsibilities of this post include;

- Establishing and maintaining a sound 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 Chair of the Finance and Resources Committee (FRC), the Academy's Responsible Officer, the Trustees and ESFA where appropriate.
- Ensuring that rigorous and prompt investigations are carried out
- Taking appropriate legal and/or disciplinary action where fraud is proven
- Ensuring that appropriate action to recover assets is taken and to minimise loss

- 3.3 Trustees and staff in positions of financial responsibility and authorisation are required to provide the Governance Professional with information concerning their direct or indirect pecuniary interest, and those of close family members, via the annual Declaration of Interest Form and to keep that information up to date.

#### **4. Budget Holder Responsibility**

- 4.1 Through the Chief Financial Officer, Budget Holders employed within the Trust and Academies 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 budget holders. There is a need for all managers to assess the types of risk that their 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.
- 4.2 Budget holders 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.
- 4.3 The Chief Financial Officer is a valuable resource for advice and assistance on control issues. They are responsible for providing an opinion to the Accounting Officer, the Chair of the Resources Committee, the Chair of the Audit & Risk Committee and to Trustees on the adequacy of arrangements for managing the risk of fraud and assisting in the deterrence and prevention of fraud by examining and evaluating the effectiveness of controls. In terms of establishing and maintaining effective controls it is generally desirable that:
  - a) There is a separation of duties so that control of key functions does not rest with one staff member
  - b) When new systems are being designed, safeguards against fraud are considered at an early stage and tested throughout implementation.

#### **5. Staff Responsibilities**

- 5.1 It is the responsibility of all members of staff within the Trust to ensure that public funds controlled by the Trust 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 Financial Officer or, in the event that the allegations of malpractice are to be made against the Chief Financial Officer, to the Chief Executive Officer (Accounting Officer). Staff are required to cooperate fully with any internal checks, reviews or fraud investigations and to comply with relevant policies and procedures. Failure to comply may result in disciplinary action.
- 5.2 All employees have the right to "blow the whistle" on what they perceive to be a cause of serious concern or malpractice. All staff should familiarise themselves with the Academy's Whistleblowing' policy and in particular the protection afforded them under the Public Disclosure Act 1998. The Trust assures all staff that they will not suffer in any way as a result of reporting reasonably held suspicions.
- 5.3 The Trust subscribes to the seven principles of public life set out in the Nolan Committee's first report, Standard in Public Life.

## **The Seven Principles of Public Life**

**Selflessness** – Holders of public office should take decisions 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 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 should promote and support these principles by leadership and example.

## **6. Fraud Response Plan**

6.1 The Trust would follow the Academy's Disciplinary and Dismissals Procedure for Staff Policy and potentially involve, where necessary and appropriate the:

- a. Trustees
- b. Academy's external auditors, internal scrutiny and/or legal advisors
- c. Police
- d. ESFA contact

## **7. Creating an Anti-Fraud Culture**

7.1 The creation of an anti-fraud culture underpins all other work to counter fraud. Staff within the Trust must understand the risk to fraud faced by the organisation; that fraud is serious and that it diverts valuable resources from its intended objective. The Trust recognises the importance of training in the delivery of high-quality services and the Trust supports the concept of fraud awareness training for key staff involved with internal control systems, where this is deemed appropriate.

## **8. Detection and Investigation**

8.1 Where a fraud is detected or suspected, initial responsibility for investigating the matter rests with the Chief Financial Officer who has been nominated as the Trust's Investigating Officer. In their absence, or if the Chief Financial Officer, is in any way alleged to be involved in the

fraud, responsibility for investigating the matter rests with the Chief Executive Officer and/or Chair of the Resources Committee or in their absence one of the sponsor trustees.

8.2 The Investigating Officer does not have authority to determine the process for undertaking the investigation independently of the Chief Executive Officer. The external auditor and/or legal representatives will be able to offer specialist advice and should be consulted at the first opportunity. 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.

8.3 It is essential that all material that may be of evidential value must be recovered and preserved for further investigation if required. Additionally, the Trust must consider whether to suspend any individual, under the Trust's disciplinary procedures, who is the subject of the investigation. Suspension is a neutral act; it may be necessary to safeguard further evidence that may be used to prove or disprove the allegation. Suspension is with pay where there is no acceptable alternative e.g. removal from normal duties, imposition of restrictions to avoid future risk.

## **9. Sanction & Redress**

9.1 The Trust's Disciplinary and Dismissal Procedures for Staff Policy provides for offences such as fraud, theft and deliberate falsification of Trust registers, reports, accounts, expense claims and self-certification forms to be regarded as gross misconduct which would be likely to result in dismissal. The Trust will take disciplinary action in all cases where it is considered appropriate.

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

## **10. Learning from the Experience**

10.1 Where fraud has occurred it is vital that Trustees 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 academies, to assist in the implementation of changes to systems and procedures.

## **11. Conclusion**

Whilst the circumstances of fraud will undoubtedly vary it is important that each individual case is subjected to the same rigorous process of investigation and redress. The Trust views fraud very seriously and will not hesitate to take the appropriate action in each and every case.

## **12. Review of Fraud Policy**

12.1 The Fraud Policy will be reviewed at least every three years.