



Three
Spires
TRUST

'Life in all its fullness'

Anti-fraud & Corruption Policy

Policy owner	Chief Financial Officer
Approved by	Trust Board
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Policy Version Control

Version	Date	Author	Changes
1.0	21/11/2024	CFO	Original Policy
2.0	29/08/2024	CFO	Minimal alterations.

1. Introduction

This policy and its procedures help demonstrate effective corporate governance and internal scrutiny within Three Spires Trust and its academies. It explains the need for an anti-fraud Policy, the responsibilities for effective controls and the associated procedures to deal with any fraud.

Whilst it is important to consider whether there has been an element of bribery relating to fraud the introduction of the Bribery Act 2010 introduced a new offence which could lead to the Three Spires Trust facing criminal liability and therefore the requirements of the new Act need to be considered in the event that any the Three Spires Trust staff either bribe colleagues to commit a fraud or are themselves bribed to commit a fraud, as the Three Spires Trust could itself become criminally liable under the Act. The offence of bribery not only covers staff, but also consultants or intermediaries acting on behalf of the Three Spires Trust.

2. Policy

The Three Spires Trust will not accept any level of fraud or corruption; consequently, any case will be thoroughly investigated and dealt with appropriately. The Three Spires Trust is committed to ensuring that opportunities for fraud and corruption are reduced to the lowest possible level of risk. This policy applies to all Board Members, Trustees, Governors and staff, whether permanent, part-time, temporary, fixed term, casual or volunteers of the Three Spires Trust and its associated academies. It also applies to any contractors or consultants working on behalf of the Three Spires Trust.

It is the responsibility of the Principal within each academy to make sure that all temporary staff, consultants and contractors are aware of this policy.

3. The Control Framework

All of the Three Spires Trust Trustees and Senior Leaders must ensure that effective internal control systems including governance and accounting are in place and operating effectively to reduce the opportunity for fraud or corruption.

4. What is Fraud?

The term 'Fraud' is usually used to describe depriving someone of something by deceit. This might be straightforward theft, misuse of funds or other resources, or more complicated crimes like false accounting and the supply of false information. The Fraud Act 2006 covers fraud by false representation, by failing to disclose information and by abuse of position. See **Appendix 2** for more details of types of fraud.

5. Procedure for Reporting Fraud

Staff should report any suspicions of fraud to their line managers, or through their line management chain, who will report as appropriate to the Principal.

All information will be dealt with in confidence and prompt investigations will be carried out into all cases of actual or suspected fraud that are discovered and reported.

The Three Spires Trust has a Whistleblowing Policy for those staff who wish to submit information about wrongdoing at work outside of their line management chain.

6. Executive Leaders and Senior Management

Under the terms of the Three Spires Trust Scheme of delegation, the CEO. is the Accounting Officer and is therefore responsible for establishing and maintaining a robust system of internal control that supports the achievement of the Three Spires Trust's policies, aims and objectives.

The system of internal control is designed to respond to and manage the whole range of risks that the Three Spires Trust faces. The system identifies the principal risks and evaluates their nature and extent, allowing them to be managed effectively.

In addition, the Department for Education (DfE) provide guidance within the 'Academies Handbook' (AH). The overall financial requirements are specified in the Three Spires Trust Master Funding Agreement, but the AH provides detailed guidance on a wide range of financial management, funding and accounting issues.

Overall responsibility for managing the risk of fraud rests with the Three Spires Trust Board and the Finance and Audit (FAR) Committee - Responsibilities include:

- promoting an anti-fraud culture;
- appropriate risk management;
- fraud prevention and detection measures and;
- fraud investigation.

All other senior leaders within the Three Spires Trust and its academies are responsible for:

- ensuring that an adequate system of internal control exists within their area of responsibility and that controls operate effectively;
- preventing and detecting fraud
- assessing the types of risk involved in the operations for which they are responsible;
- reviewing and testing regularly the control systems they are responsible for;
- ensuring the controls are complied with and their systems continue to operate effectively;
- implementing new controls to reduce the risk of similar fraud occurring where frauds have taken place;
- incorporating anti-fraud controls at the design phase in all systems.

The Three Spires Trust has contracted external auditors, to deliver an opinion to the Audit Committee on the risk management and internal controls and governance. As part of this they will review and evaluate the policies, procedures and operations in place to safeguard the organisations assets and interests from losses of all kinds, including those arising from fraud, irregularity or corruption. The audit will assist in the deterrence and prevention of fraud by examining and evaluating the effectiveness of controls, assessing the extent that the FAR committee has evaluated its risks and the possibility of fraud.

Additionally, as part of its risk control framework Three Spires Trust outsources an internal audit function from an external provider. These third party checks, coupled with our own internal policies and procedures, are essential to provide a quality, balanced, effective internal scrutiny programme throughout the Trust

The Three Spires Trust also has a responsible officer as Chief Financial Officer (CFO), who carries out random inspections of financial controls and procedures and reports to the FAR Committee. The CFO is responsible for co-ordinating relationships between the internal auditors, external auditors, FAR committee and Trust board.

7. All Other Staff

All staff within the Three Spires Trust must show due regularity and propriety in the use of official resources and the handling of public funds, whether they are involved in cash or payment systems, receipts or dealing with suppliers. They must be alert to the possibility of fraud and take special care where unusual transactions may occur. Possible Fraud indicators are shown in **Appendix 3**. They must report details immediately through the appropriate channel if they suspect fraud has been committed or see any suspicious acts or events and co-operate fully with whoever is conducting internal checks, reviews or investigations.

8. Fraud Response and Investigation Plan

The Three Spires Trust has a Fraud Response and Investigation Plan that sets out how to report suspicions, how investigations will be conducted and concluded. This plan forms part of the Three Spires Trust Anti-Fraud & Corruption Policy (**Appendix 4**).

Appendix 1:

Control Measures to Reduce the Possibility of Fraud or Theft

Line managers must ensure the security of assets and money within their area of responsibility. Among the measures they can use to discharge this responsibility are:

- regularly assessing the exposure to potential fraud or theft;
- ensuring there is an adequate procedure for reporting problems to senior management;
- being aware of the Three Spires Trust procedures and policy on fraud;
- assessing the suitability of staff to handle particular risk areas;
- ensuring appropriate segregation and rotation of duties;
- providing adequate training and guidance;
- allowing staff to see all relevant information on fraud and theft;
- ensuring regular management review of work; and
- ensuring complete and clear documentation of all transactions.

Appendix 2:

Definitions

The Fraud Act 2006 defines 3 categories of fraud or false representation, by failure to disclose information and by abuse of position. Fraud is used to describe such acts as deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts and collusion. Fraud is committed by the act of seeking improper benefit. A crime is committed with the actual intention to defraud not its realisation.

Further definitions:

Fraud – the intentional distortion of financial statements or other records by persons internal or external to the organisation which is carried out to conceal the misappropriation of assets or otherwise for gain.

Corruption – The offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person.

Fraud and other similar irregularities include:

- Forgery or alteration of payable order, expense claims, cheques, drafts, letters of comfort, contracts etc.
- Any misappropriation of funds, supplies or any other asset owned or service provided by the Three Spires Trust.
- Any irregularity in the handling or reporting of any transactions.
- Misappropriation of and misuse of the Three Spires Trust / academy property, equipment, material, information or records.
- Seeking or accepting anything of material value from vendors, consultants or contractors doing business with the Three Spires Trust or its academies.
- Any computer related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes or misappropriation of the Three Spires Trust owned software,
- Any claim for reimbursement of expenses not incurred completely and exclusively in the performance of one's official duty.
- Any similar or related irregularity.

Appendix 3:

Possible Fraud Indicators

A number of frauds can come to light because of suspicions aroused by, for instance, the behaviour of certain individuals.

Warning signs that might indicate that fraud may be taking place:

- Unusual behaviour, reluctance to take leave, refusal of promotion or regular long hours worked by key staff.
- When an employee is on leave, the work is left until the employee returns.
- Key documents missing, documents that are lacking key information. Missing expenditure vouchers and official records.
- A sudden unexplained change of lifestyle or an employee's lifestyle that is more affluent than would be expected from his/her employment.
- Cosy relationships with suppliers/contractors.
- Suppliers/contractors who insist on dealing with one particular member of staff.
- Excessive variations to budgets or contracts.
- Defining needs that can only be met by specific contractors.
- Lowest tenders or quotes passed over with minimal explanation recorded.
- Single vendor selection and vague specifications.
- Disqualification of any qualified bidder.
- Managers bypassing subordinates, subordinates bypassing managers and managers frequently overriding internal controls.
- Lack of Senior Management oversight. Inadequate monitoring to ensure that controls work as intended (periodic testing and evaluating).

The Education Funding Agency provide a more detailed checklist which the CFO works through annually and reports to the Three Spires Trust Board.

<https://www.gov.uk/government/publications/indicators-of-potential-fraud-learning-institutions/indicators-for-potential-fraud-a-generic-checklist-for-education-providers>

Appendix 4:

Fraud Response and Investigation Plan

Introduction

This document provides guidance to all employees if they become aware of a fraud being committed at the Three Spires Trust including its academies by permanent, temporary or casual staff, consultants, contractors or members of the public.

Objectives

The objectives of the 'Fraud Response and Investigation Policy' are to ensure timely and effective action is taken to:

- prevent losses of funds or other assets where fraud has occurred and to maximise the recovery of losses;
- minimise fraud by taking rapid action at the first signs of a problem; identify the fraudsters and maximise the success of any disciplinary and legal action taken;
- identify any lessons to help manage fraud in the future and
- reduce adverse effects on the organisation of Three Spires Trust.

Staff Responsibilities

To whom should you report if you suspect a fraud?

The route you will take will depend on whether you are reporting a possible fraud undertaken by a member of staff or a member of the public. When you suspect a fraud, you should not discuss this with any other work colleagues, either before or after reporting it to the appropriate person.

Fraud by a member of public:

If the fraud happens in your area you must report this to your line manager immediately. The line manager will then contact the Principal within their academy, who will then contact the CEO or Chair of the Three Spires Trust.

Fraud by a member of staff including the Three Spires Trust Board Members and Local Governing Bodies:

If a work colleague is committing the fraud, then once again under normal circumstances you should report this to your line manager. They will then contact the Principal, who will then contact the CEO or Three Spires Trust Chair and the appointed auditors. If you suspect your own or any other line manager of committing a fraud you should report it to someone else within the management chain or use the Whistleblowing procedure.

What happens when you report a fraud?

When a fraud is reported whether internal or external, an appropriate officer investigates it. Irrespective of the source of the suspicion, management must undertake an initial investigation to ascertain the facts. Any conversations and information that you give to the investigating officers will as far as possible remain confidential. You may be asked to produce a written statement that could be used in the event that the fraud becomes a criminal investigation. If you are required to produce a written statement you will receive help and guidance.

Management Responsibilities

Each Principal is responsible for ensuring that procedures and systems exist within their area of responsibility, to minimise the incidence of, and the opportunity for, fraud and irregularities. See **Appendix 1**.

Whenever any suspected fraud in the Three Spires Trust is reported the Three Spires Trust Accounting Officer shall be responsible for managing the investigation.

It is important that line management responsibilities only go as far as assessing the evidence and determining whether the suspicion is reasonable. i.e. not malicious or based on a clear misunderstanding/lack of knowledge. Management must err on the side of caution. The advice of the Three Spires Trust Accountants must be sought in all but the most straightforward of cases.

Evaluation and investigation of complaints and allegations

The circumstances of individual frauds will vary, but it is important that all are vigorously and promptly investigated and that appropriate action is taken. As soon as an allegation is received, it is the responsibility of the line manager to undertake an initial enquiry to ascertain the facts. This enquiry should be carried out as quickly as possible with the objective of either substantiating or repudiating the allegation that has been made. At this point care has to be taken to ensure that any activity is carried out in accordance with the Regulation of Investigatory Powers Act 2000. <https://www.legislation.gov.uk/ukpga/2000/23/contents>

If the line manager has grounds for suspecting that a member of staff may be involved in a fraudulent activity they should not interview the member of staff without seeking guidance from the accountants.

The purpose of the initial enquiry is to ascertain whether there is any substance in the suspicions so that, if necessary a full investigation can be instigated. If the allegation is substantiated the Accounting Officer should be apprised of the situation who will in turn inform the Principals. At this stage, managers should be aware they have a prime role in securing evidence and minimising any further losses. The accountants will offer advice on the most appropriate course of action. This further action may include the commissioning of specialist services to assist with the investigation; i.e. legal advisors or IT specialists.

When the allegation is not referred to the line manager but is referred to one of the Whistleblowing designated officers, the preliminary enquiry will normally be carried out by the Accounting Officer.

Allegation against an employee

If an allegation is substantiated after the preliminary enquiry and further investigation is required, the investigation should have two objectives that will determine the type of investigation:

- if the employee should be subject to the Three Spires Trust's disciplinary policy
- if there is evidence that an employee has committed fraud against the Three Spires Trust or has committed a corrupt act, the employee may be subject of a criminal investigation by the police.

Allegation against a member of the public

If an allegation is substantiated after the preliminary enquiry and further investigation is required, the type of the investigation will very much depend on the allegation. Generally, all investigations will follow a criminal route; this will be with the view to prosecuting the individual under the appropriate legislation. The decision to prosecute will be taken after the Three Spires Trust has sought appropriate legal advice.

Management's welfare responsibility regarding an employee accused of fraud

The Three Spires Trust may suspend a member of staff involved in a potential fraud, pending the outcome of the investigation Advice should be taken from the Three Spires Trust's HR advisory service. Managers should be mindful of the Disciplinary and Grievance policy. The Three Spires Trust also recognises that suspension can be an extremely stressful experience for employees and their families and managers should remind employees of the various options of support that are available to them.

The control framework to minimise and prevent fraud

When fraud has been identified the FAR Committee, CFO, and Accounting Officer with the advice from the external auditors should review the control procedures to ensure the opportunities to repeat the fraud are minimised.

Press and Publicity

External communications will be dealt with centrally by the Accounting Officer in all matters regarding fraud and corruption. If any officer discloses any related matters to the media without the express authority of the Accounting Officer, it will be regarded as a potential disciplinary offence.

Training

The Three Spires Trust should ensure that all managers receive training in fraud awareness. The level and the extent will depend on the work that the individual carries out. When employees are an integral part of the control framework it will be necessary to be regularly reminded of fraud issues.