



Olive Academies

## Anti-Fraud, Corruption and Bribery Policy

<b>Document control table</b>	
Title	Anti-Fraud, Corruption and Bribery Policy
Date updated and approved	31 <sup>st</sup> August 2019
Approved by	OA MAT Board via Finance & Audit Committee
Date of next review	July 2021
Updates/revisions included:	None

## **1. Purpose**

The purpose of this policy is to confirm Olive Academies' (OA) commitment against fraud. The fulfillment of this anti-fraud, corruption and bribery policy will assist in the delivery of more effective risk management.

## **2. Introduction**

OA 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 OA activity.

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

The purpose of this policy is to set out for trustees, Academy Advisory Board (AAB) members and employees, OA's main objectives for countering fraud and corruption.

This policy:

- defines fraud, corruption and bribery.
- identifies the scope of the applicability of the policy
- sets out the OA's intended culture & stance against fraud, corruption and bribery.
- identifies how to raise concerns and to report malpractice.
- sets out responsibilities for countering fraud.

## **3. 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 others 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 OA's name to procure personal goods and services is also fraudulent; where there is deliberate abuse of position to make a gain in the form of goods and services at a discount price or to get OA to pay for them.

### **Corruption**

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

### **Bribery**

The Bribery Act 2010: There are four key offences under the Act:

- bribery of another person (section 1)
- accepting a bribe (section 2)
- bribing a foreign official (section 6)
- failing to prevent bribery (section 7) The Bribery Act 2010

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 is not meant to change the requirements of OA's approach to gifts and hospitality as set out within the Gifts and Hospitality Policy. These make it clear that all offers of gifts and hospitality should be registered whether they are accepted or not.

## **4. Scope of Policy**

This policy applies to all employees and anyone acting for, or on behalf of, OA ("associated persons"), trustees and AAB members, other volunteers, temporary workers, consultants and contractors.

OA expects that individuals and organisations (e.g. partners, suppliers, contractors, and service providers) with which it deals will act with integrity and without thought or actions involving fraud and corruption. Where relevant, OA 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.

OA recognises the importance of the seven principles of public life defined by the Nolan Committee 1995, and expects all trustees, AAB members, employees and those acting as its agents to conduct themselves according to them.

Through observance of these principles OA requires all to be alert to the possibility of fraud, corruption and dishonesty in all their dealings.

OA 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.

## **5. Culture & stance against fraud & corruption**

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

OA expects that the governing body and its employees at all levels will lead by example in ensuring adherence to legal requirements, financial rules, codes of conduct and prescribed procedures and practices.

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

## **6. Raising concerns**

The MAT Board, AAB members, OA employees and anyone acting for, or on behalf of OA (“associated persons”), are an important element in OA’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 OA’s activities.

OA’s senior management and MAT trustees, will be robust in dealing with financial malpractice of any kind. Trustees, employees of OA and ‘associated persons’ should follow the guidance issued in the OA’s Whistleblowing Policy.

All concerns reported, by whatever method, will be treated in confidence. Concerns should be raised with the headteacher in the first instance except when it relates to the head in which case the concern should be raised with the chair of the AAB. This may mean that, depending on the level, type and details of the concerns you raise, that your concerns are investigated by the headteacher, the AAB, MAT board or, in the case of very serious concerns, the police.

## **7. Monitoring and review**

The internal monitoring of the implementation of this policy will be the responsibility of the headteacher who will produce reports for OA central and the MAT board as required.

The responsibility for ensuring that this policy and its associated processes and procedures, remain appropriate and comply with changes in legislation will be held by the MAT Board.