

Fraud Avoidance Policy

DRAFT

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Introduction

This policy has been formulated to comply with the Trust's Articles of Association and the Academy Trust Handbook.

This policy replaces any previous policy and follows DfE regulations. All staff members of the Tithe Academy Trust are affected by and are expected to adhere to this policy.

As part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations, we have carefully considered the impact of this policy on equality. The Trust will ensure that this policy is applied fairly to all employees and does not have a negative impact on students or staff with protected characteristics; race, sex, religion and belief, sexual orientation, age, disability, gender reassignment, marriage and civil partnership and pregnancy and maternity.

This policy takes account of the 'Nolan principles' the seven principles of public life which are the basis of ethical standards expected of public office holders:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

This policy is founded in the Trust's commitment to the development and maintenance of good behaviour and a positive and inclusive ethos for all members of the Tithe community. It reflects our commitment to safeguard children, as well to encourage diversity in all aspects of school life.

Foreword

Tithe Academy is comprised of Earlsmead Primary School, a mixed 4 to 11 year old primary school with specialist SEN unit and attached nursery (for 3-4 year olds), Rooks Heath School which is a mixed 11 to 18 multicultural comprehensive in the London Borough of Harrow, and The Jubilee Academy which is an alternative provision for students aged 11-16. It is the personal responsibility of the CEO, as Accounting Officer, to prevent loss through fraud and irregularity. The CEO has delegated responsibility for formulation of this policy to the CFO in consultation with appropriate staff. The policy is monitored by the Audit and Risk Committee. The policy is subject to annual review by the Audit and Risk Committee and is subject to approval by the Trustees.

Scope

This policy sets out the requirements for all staff (including agency staff, contractors and peripatetic teachers) in relation to the prevention and detection of fraud.

The aims of this policy

The Trust has a 'zero tolerance' to fraud and requires all staff at all times to act with probity and integrity to safeguard the public resources for which the Trust is responsible. Fraud is an

ever - present threat to resources. All Trust staff must therefore remain alert to the risk that fraud or other irregularity could occur in their area of responsibility.

The purpose of this policy is to set out:

- staff responsibilities regarding the prevention of fraud and irregularity
- the procedure to be followed where a fraud or irregularity is detected or suspected.

All actions taken by Trust staff shall be in accordance with the law and relevant Trust policies and procedures. Other documents within the Trust which help define the ethical framework within which staff are required to operate include the staff disciplinary policy, Whistle Blowing policy, ICT Policy, Financial Procedures and staff code of conduct.

The Education Skills and Funding Agency (ESFA) also adopts a serious approach to fraud; the Academy Trust Handbook 2024 states (section 6.9) that Academy trusts must be aware of the risk of fraud, theft and irregularity and address it by putting in place proportionate controls. Trusts must take appropriate action where fraud, theft or irregularity is suspected or identified (see below).

Definitions and Terminology

The Fraud Act 2006, came into force on the 15th 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 / they has / have a legal duty to disclose. The person therefore acts dishonestly and intends to make a gain for himself / herself / themselves, 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 / they is / are legally required to disclose. The dishonest act will have occurred with the intention of making a gain for himself / herself / themselves 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 and Counterfeiting Act, e.g. theft, counterfeiting and falsification of documents.

Fraud can be committed by persons outside as well as inside the Trust.

Fraud could include major systematic cases such as collusion by senior and other staff within the Trust to over claim funding from the DfE or other funding agency or organisation.

Other examples of fraud or irregularity relevant to the Trust context could include:

- pilfering of stock
- improper use of telephone / email facilities
- unauthorised use of Trust equipment (including computers)
- theft of cash or equipment
- improper manipulation of computer programs or data collusion with others for illicit gain
- falsification of claims for travel and subsistence or other allowances
- improper / inaccurate claims for overtime or time off in lieu
- credit card fraud
- any other impropriety.

External attempts at fraud or irregularity could include:

- offers of bribes / inducements
- submission of false invoices
- demands for payment for unsolicited goods
- contractor frauds involving overcharging, sub-standard work, bid rigging and / or collusion in competition to services
- fraudulent claims for Trust funds
- credit card fraud
- cyber fraud

Raising Fraud Awareness

The Trust recognises that the success and credibility of its Fraud Avoidance Policy will depend largely on how effectively it is communicated throughout the organisation and beyond. Every opportunity will be taken to bring it to the attention of employees, and all others that come into contact with The Trust. The policy is available to staff at Rooks Heath and The Jubilee on SharePoint and at Earlsmead on the shared drive.

Prevention of Fraud/Irregularity

To further develop an anti-fraud culture the Trust will maintain appropriate controls in place including:

- supervisory / spot checks
- appropriate organisational structures
- complete, accurate and up-to-date records
- physical security of assets / stocks
- segregation of duties
- clearly defined written responsibilities
- clearly defined lines of reporting
- regulations and associated procedure guides
- audit investigations / reviews
- adherence to Financial Procedures
- discrete groups of Trust staff responsible for the certification of orders / payments etc
- respond quickly and effectively to fraud when it arises
- fraud awareness training

Homeworking

Microsoft Teams and SharePoint have been introduced so that teams can continue to collaborate and share documents. Staff have received training sessions to ensure that they understand the workings of the software. The IT Network Manager and Digital Lead are available for guidance as required. Videos are available to staff as reminders.

Cyber Fraud (refer to ICT Policy)

Cyber security is the way in which the Trust has implemented strategies to:

- protect the computer systems including: hardware, software and data, from unintended or unauthorised access, change or destruction
- reduce the risk of becoming victims of a cyber-attack which could lead to fraud

Staff working from home have had appropriate training to ensure that they understand their data protection obligations and how to reduce security risks. Training includes ensuring staff are aware of their environment when working at home to prevent inadvertent data breaches e.g. locking computers when away from their screen, taking care when speaking on the telephone or in video conferences that virtual assistant listening devices, such as Alexa and Google Assistant, are not listening or recording. Staff are made aware of the different types of cybersecurity risks, such as phishing emails.

Responsibility for Prevention

The CEO is ultimately responsible for the management of the Trust, including line management of the CFO and accountability arrangements. The CFO is responsible for ensuring

that an adequate system of internal control exists within their areas of responsibility and that the controls operate effectively. The responsibility for the prevention and detection of fraud therefore rests, primarily, with the CFO, although all Trust staff are responsible for ensuring that fraud does not occur. There is a need for all managers to assess the types of risk involved with operations for which they are responsible, to review and test the control systems on a regular basis and to ensure compliance with control regimes.

In establishing effective internal controls, all managers should be aware of the following good practice concept:

- regular rotation of staff in 'control critical' functions
- wherever possible segregation of duties so that control of all aspects of the key function does not reside with one person e.g. if a member of staff registers a supplier on the financial information system, he / she / they should not input invoices or create BACS runs to pay invoices
- avoidance of processing backlogs
- considering the control implications whenever a new system is being introduced

A further check is provided by Auditors when carrying out Internal Audit visits when undertaking sampling checks of areas as part of the role.

The Seven Principles of Public Life

The Trust subscribes to the seven principles of public life set out in the Nolan Committee's first report, Standard in 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.

Leadership – Holders of public office should demonstrate leadership in promoting and supporting the principles.

Action to take if a fraud or irregularity is suspected

If a member of staff suspects that an action or event, perpetrated either by another member of Trust staff or by a third party, may constitute a potential fraud or irregularity the suspicion should immediately be reported to his / her / their line manager. If the line manager of the member of staff reporting the case is implicated the suspicion should be reported to the next level of management. Management must ensure that the requirements of the Trust's Whistle Blowing Policy are fully met.

The line manager must then discuss the facts of the case with the person raising the issue. If the line manager considers that a fraud or irregularity may have occurred, or is likely to occur, he / she / they must immediately report the matter to the CFO, who must then report to the CEO, normally in writing, unless the CEO is implicated, in which case the Chair of Board of Trustees must be informed.

On receipt of the information the CFO or the CEO must arrange for an 'independent' member of the Trust management team or an auditor to undertake an investigation to establish the facts of the case. The investigation will usually include:

- informing the members of the Trust staff suspected of the fraud or irregularity and seeking his / her / their comments
- removing, for safe custody, any books, records or documents relating to the case
- confiscating any equipment relating to the case (e.g. personal computers, storage media, USB memory drives).

The protocols for conducting the investigation are to follow the usual Trust procedures and advice from the HR Advisor. The line manager concerned must also be consulted.

Where the investigation concludes that there is compelling evidence to suggest that fraud has taken place the following action is required:

Type of Fraud	Action
A. Sum involved is £0 to £1,000	<ol style="list-style-type: none">1. Trust disciplinary procedure invoked2. CFO or CEO reports case to:<ul style="list-style-type: none">• the Chair of Board of Trustees• the CEO (unless the CEO is under investigation)• the Audit and Risk Committee3. CFO takes steps to recover any Trust property which has been unofficially removed from Trust premises.4. The CFO or CEO will inform the police if there is evidence of a persistent fraud or a one-off incident involving a loss of £100 or more.

<p>B. Sum involved is £1,000 to £10,000</p>	<ol style="list-style-type: none"> 1. Trust Disciplinary Procedure invoked. 2. CFO or CEO reports case to: <ul style="list-style-type: none"> • the Chair of Board of Trustees • the CEO (unless the CEO is under investigation) • The Chair of the Audit and Risk Committee • The Audit and Risk Committee • ESFA, where £5000 and above 3. CFO or CEO: <ul style="list-style-type: none"> • takes steps to recover any Trust property which has been unofficially removed from Trust premises • contacts solicitors and insurers, if appropriate • informs the police, addresses any questions of public relations or publicity
<p>C. Significant fraud, usually where one or more of the following factors is involved:</p> <ul style="list-style-type: none"> • in excess of £10,000; • the particulars of the fraud are unusual or complex; • there is likely to be great public interest because of the nature of the fraud or the people involved. 	<ol style="list-style-type: none"> 1. Trust Disciplinary Procedure invoked. 2. CFO or CEO reports case <u>without delay to:</u> <ul style="list-style-type: none"> • the Chair of Board of Trustees • the CEO (unless the CEO is under investigation) • the Chair of the Audit and Risk Committee • the Trust Audit and Risk Committee, with a written report to the next Committee meeting <p>CFO or CEO:</p> <ul style="list-style-type: none"> • takes steps to recover any Trust property which has been unofficially removed from the Trust premises • contacts solicitors and insurers, if appropriate • informs the police, addresses any questions of public relations or publicity

Advice should be sought from the HR Advisor in relation to the protocols for the actions listed in above.

Where the investigation concludes that there is compelling evidence to suggest that a fraud has taken place and it relates to the CEO, then the arrangements set out above apply, with the substitution of 'Chair of Audit and Risk Committee' for 'CEO'.

If an allegation has been found to be groundless and it is believed that it has been made maliciously, the CEO may decide to discuss the allegation that the member of staff who first raised the issue concerned. The CEO may ask another member of Trust staff to do this on his/her behalf. The CEO may decide to invoke the Trust's Disciplinary Procedure in these circumstances.

Depending on the type and significance of the fraud, it may be appropriate for the Trust to submit a Suspicious Activity Report to the Serious Organised Crime Agency. The Audit and Risk Committee will determine when this is appropriate and, unless it decides otherwise, will delegate the submission of the report to the CFO

Learning from experience

Where a fraud or irregularity has occurred, Trust management will take steps to improve the controls in the systems where the fraud occurred. This will help to ensure that the fraud, or a version thereof, does not recur in the future.